

PLANNING COMMISSION

FEBRUARY 22, 2018

The meeting was called to order at 7:00 p.m. by Vice-Chairman Eric Nicely. Commission members present were Seth Hudson, Andy Lorenz, Mayor Mackin, Eric Nicely and Craig Pickerel (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. Lorenz moved to approve the minutes of the January 25, 2018 meeting. Seconded by Mr. Hudson. Ayes: Hudson, Lorenz, Mackin, and Pickerel (4). Nays: (0). Abstain: Nicely (1).

Administrator's Report

Mr. Walters said that there will probably not be a meeting in March. He said that he extended the deadline for an applicant, but he does not believe they will be ready to go.

Assignment of Permanent Zoning Perrysburg Fire Division - Second Station Fort Meigs Road

APPLICANT/OWNER/DEVELOPER

Bridgette Kabat, City Administrator
City of Perrysburg
Perrysburg, OH 43551

REQUEST

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

PROPERTY LOCATION & DESCRIPTION

The subject property is located on the east side of Fort Meigs Road, south of I-475 and the municipal water tower. Coe Court and the McKinley Woods subdivision are located immediately to the west of this property. The rezoning request area pertains to two parcels that were recently annexed to the City of Perrysburg from Perrysburg Township. Those parcels are identified as: P60-100-130000022000 and P60-100-130000023000. The parcels were purchased from Owens Illinois by the City of Perrysburg for \$5,000 (well below market value) for the exclusive use of a fire station. The structures that were previously on-site have been removed so the site is largely vacant.

These six parcels include approximately 7.77 acres of land.

BACKGROUND

The City of Perrysburg has acquired this land from Owens Illinois for the specific purpose of constructing a public fire station. Until recently this property was in Perrysburg Township but due to a recent annexation action this property is now part of the City of Perrysburg. While in Perrysburg Township this land was zoned General Industrial and as a standard practice the city recognizes and adopts the previous zoning designation of property (often referred to as “place holder” zoning) until such time where the city can assign permanent city zoning to the land. Now that the land has successfully transitioned into the city it is now necessary to begin the assignment of permanent zoning process.

ANALYSIS

The subject property is located between an I-2 (General Industrial) district and an R-3 (Single Family Residential) district. Abutting this property to the north is a small area of INS (Institutional) zoning that contains the public water tower. The applicant has requested that the property be assigned I-2 (General Industrial) zoning which would match its previous township zoning designation. After reviewing the project and its impact it would appear to be reasonable, consistent and in line with the request of the owner to allow for I-2 zoning of these parcels.

The property is owned in fee simple by the City. As part of the transaction a deed restriction exists with Owens-Illinois, Inc. (O-I) providing that if the property ceases to be used by the City as a fire station, ownership will revert back to O-I. This is notable for the assignment of permanent zoning as the property was annexed pursuant to the provisions of Ohio Revised Code 709.16 which states in pertinent part:

“When a municipal corporation purchases real property below an appraised fair market value and sells or agrees to sell the property back to the person that sold it to the municipal corporation, an annexation of that property completed under this section shall be void, and the annexed property shall become part of the township from which it was annexed, if it still exists. If the township no longer exists, the board of county commissioners shall attach the annexed territory to another township.

RECOMMENDATION

The Planning & Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the assignment of permanent zoning of I-2 (General Industrial) for the two parcels identified in this report which collectively consist of approximately 7.77 acres.

Further, it is recommended that a public hearing be set before City Council for April 3, 2018 at 6:20 p.m.

Mr. Walters reviewed the above Staff Report. He said that the address for the fire station is being changed to 26100 Fort Meigs Road. He explained that when a property is

annexed into the City, before the permanent zoning is established, the property has a placeholder zoning which is whatever it was zoned while in the Township. In this instance, that zoning is Industrial and the applicant has requested that the Industrial zoning be continued as the permanent zoning. Mr. Walters said that a fire station is a permitted use in I2 zoning, so this request seems reasonable. Mayor Mackin asked if the building standards are different for I2 than for INS and if by zoning it I2 we are avoiding any problems. Mr. Walters said that there are differences in the setbacks, but during the design phase the Collaborative was tasked with meeting the requirements of both INS and I2. He added that public service facilities is a special approval use under INS zoning, but the fire station meets all of the requirements. Mr. Lorenz moved to recommend to City Council that the permanent zoning for the site of the Fort Meigs Road fire station be I2 (General Industrial) and that a public hearing be set before City Council on April 3, 2018 at 6:20 p.m. Seconded by Mr. Hudson. Ayes: (5). Nays: (0).

Special Approval use – Massage Establishment

Jennifer Pflgebraar (Pflgebra Med)

140 W. Front Street

APPLICANT/OWNER/DEVELOPER

Dr. Jennifer Pflgebraar
401 W. Front St.
Perrysburg, OH 43551

REQUEST

Chapter 1225.08 – Land Use and Base Zoning District Table
Chapter 1235.02(d) – SAU – Standards

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located on the south side of W. Front Street between Louisiana Avenue and Walnut Street.

Property Size: 0.25 acres

Parcel: Q61-000-901208012000

Zoning: OS – Office & Service

BACKGROUND

On December 14, 2017 a different applicant requested a Code Amendment to allow “Massage Establishments” in C-4 zoning districts with a Special Approval Use. The

Planning and Zoning Division reviewed this request and recommended to also permit “Massage Establishments” in C-3 and OS zoning districts.

On February 6, 2018 a public hearing was held to consider the proposed amendment. It is anticipated that this code amendment will likely be passed/approved at the February 20th meeting of City Council.

ANALYSIS

This particular Special Approval Use does not provide “specific conditions” for approval so this application will only be subject to the “general conditions” for Special Approval Uses which are as follows:

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.

Notes:

1. Chapter 1235.04(u)(4) listed exemptions to the special requirements for a special approval use (SAU). Section 1235.04(u)(4)(B) states that due to all massage therapists being licensed by the State of Ohio Medical Board, Pfliegerhaer Medical/Massage would be exempt from the specific SAU special requirements for Massage Establishments but would still be subject to the general requirements.

RECOMMENDATION

The Planning and Zoning Administrator has reviewed the application for Special Approval Use for Pflughaar Medical/Massage located at 140 W. Front Street. It has been found that the applicant has met the necessary requirements to be granted a Special Approval Use for a massage establishment at this location, providing that City Council ultimately approves the necessary pending Code Amendment. It is recommended that the Planning Commission conditionally approve the application pending the outcome of the final vote by City Council on the required Code Amendment.

Mr. Walters reviewed the above Staff Report. He said that City Council recently approved a Code Amendment to allow massage establishments in C3, C4 and OS zoning districts with a Special Approval Use therefor, he said to strike his recommendation for conditional approval and change it to a recommendation for approval. Dr. Pflughaar, the applicant, was present. She said that the facility will have one massage therapist with hours by appointment only for now. She said that there are four or five parking spots in the back and there is a lot of public parking in the area. She said she feels this is a good location. She added that Dr. Freeman occupied the space for 40 years. Mr. Pickerel asked if there were any comments received from neighbors. Mr. Walters said that he did not receive any feedback from neighbors. Dan Judson was present and said that he owns three properties across the street from this property. He said that he is not for or against this, but he would like less commercial along Front Street and would like to see this property to be used as residential instead. Dr. Pflughaar noted that it was already a dentist office. Mr. Nicely asked if the Historic Landmarks Commission reviewed this. Mark Weber was present and said that he serves on the Historic Landmarks Commission. He said that they approved the sign for the business. Mr. Hudson moved to approve the Special Approval Use for Pflughaar Medical/Massage located at 140 W. Front Street. Seconded by Mr. Lorenz. Ayes: (5). Nays: (0).

Final Site Plan
Otterbein Perrysburg LLC
3529 Rivers Edge Drive

Preliminary and Final Site Plan Checklist

Project Name: Otterbein Perrysburg– Accessory Structures
Location: 3529 Rivers Edge Drive
Zoning: Multiple Family (RM)
Applicant(s): Jeff Kmet – Vice President Properties & Construction
Land Use: Residential
Parcel(s): Q61-100-240000040005
Request: Preliminary & Final Site Plan Review

Preliminary Site Plan

Applications shall require the following items:

- 1) 12 copies of submission application
- 2) 12 copies of preliminary site plan at a scale of not less than 1:100

- 3) Preliminary site plan must include or identify;
 - a. Project description
 - b. Survey including property dimensions
 - c. North arrow
 - d. A scaled plan showing the location of all existing and proposed buildings/structures
 - e. Topography at two foot intervals
 - f. Significant vegetation
 - g. Watercourses, bodies of water, detention/retention facilities
 - h. Rights of Way
 - i. Easements
 - j. Setbacks
 - k. Existing and Proposed Uses
 - l. Name and address of firm preparing the plans
 - m. Impact Assessment (if specifically asked for)

Final Site Plan

Applications shall require the following items:

- 1) 12 copies of submission application
- 2) 12 copies of preliminary site plan at a scale of not less than 1:100
- 3) In addition to the items required for a preliminary site plan submission final site plan applications must also include or identify;
 - a. Project description
 - b. Building elevations
 - c. Landscape Plan
 - d. Street Tree Plan
 - e. Sidewalks
 - f. Drive widths
 - g. Parking Spaces (size and quantity)
 - h. Vicinity sketch showing location of the site to surrounding street system
 - i. Location of utilities
 - j. Trash receptacle details
 - k. Lighting details

Preliminary & Final Site Plan Checklist

Land Use		Permitted	Special Approval	Not Permitted
1225.08	Land Use Type (Multiple Family)	x		
Dimensional		Compliant	Non-Compliant	Not Applicable
1230	Front Setback (25')	x		
1230	Side Setback (30')	x		
1230	Rear Setback (30')	x		
1230	Lot Coverage (max 60%)			x
1230	Height (max 45')	x		
1230.03(a)	Height Variance from BZA			x
1230.03(b)	Features above max height (exemptions)			x
Parking		Compliant	Non-Compliant	Not Applicable

1250.02(t)	Parking Lot Location	x		
1250.02(r)	Parking Relief			x
1250.03	Parking Quantity	x		
1250.05(b)	Parking lot design/layout	x		
1250.05(c)	Wheel Stops			x
1250.05(f)	Location of Driveways	x		
1250.06(a)(5)	Parking Lot Screening (near residential)			x
1250.06(a)(7)	Parking Lot Surface Material	x		
1250.06(b)	Parking Space Sizes	x		
Landscape		Compliant	Non-Compliant	Not Applicable
1250.11	Planting Plan		x	
1250.11(a)(1)	Landscape Architect (stamp/sign)		x	
1250.11(a)(3)	Planting Schedule	x		
1250.13(g)	Tree size (8' height, 2 1/2" caliper min)	x		
1230	Minimum Landscape Percentage of parcel	x		
1250.18(a)	Min. Landscape Percentage of Parking Lot (6%)	x		
1250.17(b)	Parking Lot landscape primarily shade trees	x		
1250.17(c)	Planting areas dispersed through parking lot	x		
1250.19(b)	5' landscape strip between parking lot and P/L	x		
1250.19(c)	1 tree for each 8 parking spaces	x		
1250.19(d)	Landscape island = 1 per ea. 10 parking spaces	x		
1250.19(d)	Shade trees located in islands	x		
1250.20	10' landscape strip between R/W and parking			x
1250.20(d)	Hedge within 10' landscape (min 1.5' height)			x
1250.27	Berms/Earth Mounds (if required)			x
1250.42	Fence/Screen Requirement (height & location)			x
1250.43	Lighting (height & direction)			x
Building Design		Compliant	Non-Compliant	Not Applicable
1250.44	Screening of Rooftop Mechanicals			x
1250.48	Building Material (allowable percentages)	x		
1250.481(a)	Customer entrance facing each street frontage	x		
1250.481(b)	Recesses/projections if > 100' in length	x		
1250.481(d)	Façade to have color/texture/material change	x		
1250.481(e)	Rooflines to change at least every 100'	x		
1250.481(f)	Façade colors – low reflectance and neutral	x		
1250.481(g)	Building trim to be non-illuminated	x		
Drives & Access		Compliant	Non-Compliant	Not Applicable
1250.51(a)	Driveway access onto public or private street	x		
1250.51(a)(2)	Drives enter perpendicular	x		
1250.51(a)(3)	Driveway grade less than 10%	x		
1250.51(a)(6)	Driveway – at least 100' from an intersection	x		
1250.51(a)(6)	Driveway – at least 80' from other driveways	x		
1250.51(c)	Driveway – alignment with existing drives	x		
1250.53	Deceleration Lanes if use > 1,000 trips per day			x
Sidewalks		Compliant	Non-Compliant	Not Applicable
1250.56(a)	Sidewalks across all frontages	x		

1250.56(a)	Sidewalks from R/W to entrance		x	
1250.56(a)	Sidewalk material through drive aisles		x	
Dumpster		Compliant	Non-Compliant	Not Applicable
1250.57	Waste Receptacle - Location	x		
1250.57	Waste Receptacles to be consolidated	x		
1250.57	Waste Receptacle – design/materials	x		
Acc. Buildings		Compliant	Non-Compliant	Not Applicable
1250.61(a)	Accessory Building – Location (rear yard)	x		
1250.61(b)	Accessory Building – ≥ 5' from side or rear P/L	x		
1250.61(b)	Accessory Building – ≥ 10' from main structure	x		
1250.61(d)	Acc. Building – Height (20' or main structure)	x		
1250.61(f)	Accessory Building – Size Limit (5% of lot size)	x		
Traffic Study		Compliant	Non-Compliant	Not Applicable
1255.04	Traffic Study – if more than 100 trips/peak Hr.			x
1255.04	Traffic Study – if more than 750 trips per day			x
Miscellaneous		Compliant	Non-Compliant	Not Applicable
1260.15(a)(1)	Plan doesn't impeded normal development	x		
1260.15(a)(2)	Existing landscape preserved (as possible)	x		
1260.15(a)(5)	Emergency vehicle access to structures	x		
1250.26	Wall Location (if required)			x

Notes:

1. The applicant is proposing the installation of 5 Rubbermaid (7' X 7') sheds in the side and rear yards of the property. The location of the sheds in the side yards was approved by the Board of Zoning Appeals on December 11, 2017.
2. Sidewalks are not present through the current driveway.
3. Sidewalks do not connect from the right-of-way to door of the main building, but do connect to 2 of the 4 residential buildings.
4. Landscape plans do not show current site and parking lot landscape percentages and is not stamped by a landscape architect.
5. The landscape plan does not accurately depict the existing landscaping on site. The north, east and south sides of the property depict trees that have yet to be planted. The missing landscaping would provide screening for the accessory structures for neighboring properties.

Recommendation:

The Deputy Administrator recommends that the Planning Commission conditionally approve the Final Site Plan for Otterbein Perrysburg subject to the following conditions being completed and updated site/landscape plans be submitted to the Planning and Zoning administration for compliance review.

1. The applicant submits a new landscape plan that accurately shows the existing landscape, what needs to be planted, and the plans to be stamped and signed by a landscape architect.
2. Install sidewalk through the driveway approach.
3. Connect the sidewalk that exists in front of the buildings to the public sidewalk along Rivers Edge Drive.

Mr. Easterling reviewed the above Staff Report. Jeff Kmet and Lisa Chalk were present on behalf of Otterbein. Mr. Kmet said that these sheds are not for maintenance operations. They will be used to hold belongings of the residents. He said that they have no problem bringing in a landscape architect for a landscape plan, and they have lost some landscaping over the last ten years that is why some of the existing landscaping shown on the plan is not accurate. Mr. Kmet said that the requirement to install sidewalks makes this project cost prohibitive. Mr. Lorenz asked if the sheds will be visible from the road, and Mr. Kmet said they will not be. There was discussion regarding why the sidewalk was not installed at the time of construction of the housing units. Mr. Walters said that the plans were dated 2006 and it could be that they were either built under the old Code and they weren't required, or they were required and it was missed. There was discussion about use of the proposed sidewalks. Mayor Mackin stated that in his experience, if you install sidewalks, they will be used. Mr. Easterling suggested that this requirement could be handled by the applicant signing a sidewalk agreement similar to those used for residents of Willowbend and other areas where there are no existing sidewalks. The agreement would require the applicant to install sidewalks once development occurs in adjacent parcels. Mayor Mackin asked if this was offered to the applicant prior to this time. Mr. Easterling said that it was not. Mr. Pickerel asked if they could use striping in lieu of sidewalks so there is a walkway through the driveways. Mr. Walters said that the Code specifically refers to concrete sidewalks. Mayor Mackin asked if the sidewalk agreement would satisfy the requirements from the Planning and Zoning Division. Mr. Easterling said it would. Mayor Mackin asked Mr. Kmet if he was okay with it, and Mr. Kmet said it's acceptable to him. There was discussion about the square footage of the sheds, the platform that they rest on, security and lighting. Mayor Mackin moved to recommend approval of the Final Site Plan for Otterbein Perrysburg subject to the applicant submitting a new landscape plan consistent with the recommendation of the Planning and Zoning Division report and subject to the applicant executing a sidewalk agreement. Seconded by Mr. Hudson. Ayes (5). Nays: (0).

Other Business

There being no further business, the meeting adjourned at 7:44 p.m.

Respectfully submitted,

Mary Jo Sutton