PLANNING COMMISSION MEETING

JANUARY 31, 2013

The meeting was called to order at 7:00 p.m. by Chairman Greg Bade. Commission members present were: Greg Bade, Chris Carry, Mayor Evans, Tom Forquer and Therese Witt. (5). Absent: Byron Choka and Jim Pollock (2). Also present were: Tom King, Planning and Zoning Administrator, Brody Walters, Deputy Planning and Zoning Administrator and Mathew Beredo, Law Director.

APPROVAL OF MINUTES FROM THE JANUARY 3, 2013 MEETING

Mr. Bade asked that on the January 3, 2013 minutes, on page five, the fourth sentence, that "some" be changed to "half". Mayor Evans moved to approve the minutes as amended. Mr. Carry seconded and they were unanimously approved.

ADMINISTRATOR'S REPORT

Mr. King reviewed the items that had been received for the next meeting including two final site plans.

Final Site Plan Review
Single Family Use in C-2, Approval of Building Materials
219 Walnut Street

APPLICANT/OWNER

Andrew S. Gries
219 Walnut Street
Perrysburg, OH 43551

REQUEST

Chapter 1260 – Preliminary and Final Site Plans
Chapter 1250.45 – Building Wall Materials

PROPERTY LOCATION & DESCRIPTION

The subject property is a single family dwelling located on the east side of Walnut Street within District C - 2. The property is not within the Historic District. To the north appears to be a single family residence, to south is the Anderson and Company, an office/warehouse use, to the east is Perrysburg Collision and Auto Repair, and west across Walnut Street is a parking lot. District 2 does not require setbacks from property lines and bordering the applicant's property is the exterior wall of commercial buildings adjacent to the south side and rear, less than 3 feet from his property line.

BACKGROUND

The applicant inquired with staff several months ago about approval needed to expand his garage. Single Family use is permitted by right with the C – 2 zoning district. Site Design Standards, Section 1250.45 - Building Wall Materials "apply to any development or redevelopment of property within the zoning districts listed as commercial, office, industrial and special districts, within the City of Perrysburg." Another aspect to this case is the garage is attached at one point to the house and is setback less than one foot from the side property line. Staff first advised the owner to seek a rezoning from C – 2 to residential zoning which would remove the requirement for building materials compliance which is clearly oriented to commercial construction. The minimum setback in R-3 for a side yard is 8 feet and a variance to this setback would be necessary.

ANALYSIS

The Comprehensive Plan, Conservation and Development Map calls for this area of Walnut Street to be Core Enhancement "for continued infill as a mixed use center". The property may have a best long term use for redevelopment to allow expansion area for adjacent commercial or for new residential. In any event, the addition to the garage and new siding material would not seem to influence long term development decisions about the property. The two story house has aluminum siding and the garage is wood sided except for the recent addition that was constructed without a Zoning Permit.

The Planning and Zoning Administrator believes that the proposed construction can be approved by the Planning Commission. The applicant seeks to add vinyl siding to the entire garage which is wood sided and the addition unfinished. The chart for acceptable wall materials would allow 25% to be vinyl. With the two story house aluminum sided the addition of vinyl siding to the entire garage would result in the area of vinyl exceeding 25% of the total wall area of both the house and the garage. What might be a preferable best case treatment would be restoration of wood siding on both the house and the garage, however, in District C – 2 the maximum use of wood siding is 50% of the exterior wall. Therefore, just addressing the accessory garage portion of the structure wood siding on the original garage and covering the addition would not exceed the 50% maximum.

RECOMMENDATION

The Planning and Zoning staff recommends the Commission approve the proposed building alteration on the condition that the garage addition be sided with wood to match the existing garage as in conformance with the Planning and Zoning Code.

Mr. King reviewed the above Staff Report. Mr. Gries said that he would like to use vinyl siding because it would hold up better. He said he has painted the garage once, and it is already fading. Mr. Carry said that he feels the portion of the garage that faces Walnut Street should meet the building material requirement, but there is no public view of the rest of the garage. Mr. King said if the garage was vinyl sided that would account for 26% of both the house and the attached garage. Mr. Forquer clarified that they would be over the limit by 1%. Mr. King said that is correct, according to the rough calculations. Mr. Forquer said he agrees with Mr. Carry. Mayor Evans said that this is a

unique property and since it is only over by 1%, he is inclined to accept the vinyl. Ms. Witt said she is agreeable to the vinyl on the back and wood on the front.

Mr. Carry made a motion that the public view of the proposed garage at 219 Walnut Street be in compliance with the Code for building materials, but all other sides not in the public view can be vinyl. Mayor Evans seconded and it was unanimously approved.

Rezoning Request & Special Approval Use (SAU)
Gary Samples (Eckel Junction Rd. and Ft. Meigs Rd.)
R3 (Single Family Residential) to R1 (Single Family Residential)
Special Approval Use – Wind Turbine

APPLICANT/OWNER/DEVELOPER
Mr. Gary Samples
26525 Fort Meigs Ct.
Perrysburg, OH 43551

REQUEST
Chapter 1285 – Changes and Amendments
Chapter 1220.03 – Residential Districts
Chapter 1225.08 – Land Use and Base Zoning District Table
Chapter 1235.04(ww.a) – Special Approval Use

PROPERTY LOCATION & DESCRIPTION
The subject property is located at 26525 Fort Meigs Ct., on the northeast corner of Eckel Junction Rd. and Ft. Meigs Rd. and is identified by parcel number Q61-100-644001003003. The area of the parcel is 1.25 acres (54,450 square feet) and because of the property's position to roadways it has multiple front yards. All adjoining properties are also zoned single-family residential with the exception of the YMCA and Fort Meigs Elementary School, which are both zoned INS (Institutional). The property is currently zoned R3 (Single Family Residential) and the requested zoning is R1 (Single Family Residential). The primary distinction between R1 and R3 comes from the minimum required area of the lot. R3 lots require a minimum of 11,600 square feet, while R1 requires 22,000 square feet of area.

BACKGROUND
Mr. Samples is interested in alternative forms of energy and has in recent years experimented with solar collectors. Mr. Samples is now interested in constructing a wind generator (turbine) to further aid in his energy production. The rezoning request comes from Mr. Sample's desire to install a wind generator (turbine) on his property, which is currently prohibited in R3 zoning districts. If Mr. Samples is successful in his rezoning attempt (R3 to R1) he would then be eligible for the installation of a wind generator (turbine) as a Special Approval Use (SAU) in accordance with the established requirements of Chapter 1235.04(ww.a).

ANALYSIS

Mr. Samples property is sufficiently large enough to qualify for R1 zoning by more than twice the required area. If this property is rezoned it would then be subject to larger setback requirements than currently required in R3 districts. Additionally, adjoining properties are similarly zoned and compatible in use. Below are the submission requirements along with the applicant's ability to address these criteria:

(ww.a) Wind Generator (Turbine):

(1) The maximum height of any turbine shall be 100 feet. The maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower at grade.

47' as proposed

(2) Any turbine erected on a parcel of land will need to establish a "clear fall zone" from all neighboring property lines and structures, as well as any structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structures including the primary dwelling, and any accessory buildings or uses.

Based on preliminary measurements, there appears to be adequate fall room in at least one location. Location would be verified before issuance of a zoning permit.

(3) The turbine, including the prop blades, turbine, cowling and tower shall be painted or coated white, gray or sky blue. Logos or other identification markers other than those of the manufacturer and model type shall not be permitted anywhere on the turbine.

The proposed unit appears gray in color and without logos.

(4) Wind turbines must be maintained in good working order. Turbines that become inoperable for more than six (6) months must be removed by the owner within thirty (30) days of issuance of a zoning violation. Removal includes removal of all apparatuses, supports, and/or other hardware associated with the existing turbine.

This would be an enforcement issue that the applicant is aware of.

(5) A zoning permit shall be required before construction can commence on an individual wind turbine system.

Applicant is aware and agreeable to this requirement.

(6) Applicant shall provide the City with the following items and/or information as part of the Special Approval Use application:

A. Location of all public and private airports in relation to the location of the turbine, as well as any applicable FAA restrictions that may be applicable to the turbine. **There are no airports within 10 miles of the proposed structure. The applicant has been provided with the application for FAA approval.**

B. An engineering report that shows:

1. The total size and height of the unit.

47' high

2. The total size and depth of the unit's concrete mounting pad.

Not Applicable

3. An average decibel rating for that particular model.

Manufacturer states "Low Noise Aerodynamic Fiber Glass Blades"

4. A list and/or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices and lighting protection.

4 guy wires attached to ground for stability.

5. Data specifying the kilowatt size and generating capacity of the particular unit.

600 watt (max), 12V or 24V DC, >87% efficient, 35A (max)

C. A site plan showing the location of the unit in relation to existing structures on the property, roads and other public rights of way and neighboring properties.

Location subject to compliance with "fall zone" and zoning requirements.

D. Evidence of a "clear fall zone" with the manufacturers' recommendation must be attached to the engineering report.

Manufacturer recommends tower to be installed at least 300' from occupied buildings or power lines.

E. Color of unit, as well as the location and size of the manufacturers' identifying logos shall be included in the plan.

F. A maintenance schedule, as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the application.

Maintenance other than visual inspection is suggested at intervals of every 5 years. Dismantling plan includes rotor lock, battery disconnects, and lowering tower with guy wires.

RECOMMENDATION

The Planning and Zoning Staff recommends that the Planning Commission recommend approval of the zone change from R3 to R1 to City Council and additionally it is recommended to offer the applicant conditional approval of the Special Approval Use subject to the successful rezoning of the property and the obtainment of an FAA approval letter.

Further, it is recommended that a public hearing be set before City Council for March 19, 2013 at 6:20 p.m. to consider the rezoning request.

Mr. Walters reviewed the above Staff Report. He called attention to a memo from Mr. King and plat maps for properties located near the applicant's that were distributed to Commission members. He also called attention to an e-mail received from Terry and Debbie Testen of 1804 Lexington Drive who were unable to be present for the meeting, but wanted to express their feelings that wind turbines are not appropriate for residential areas, and they urged the Commission to deny the request.

Mr. Samples said that his lot is six times larger than the lots across the street, so he has room for it. He said his lot is pretty much surrounded by pine trees, and the turbine is kind of small, with the diameter of the blades being about five feet. Mr. Samples said the turbine would be 45' in the air, and he thinks it will blend in with the trees. He said he plans to put the turbine right in the middle of where his garden currently is, which will allow plenty of fall room. He said it is a little over 45' to the garage and about 52 or 53 feet to the sidewalk. He said that the manufacturer recommends using 1 ½" schedule 40 pipe, but he is going to use 2". Mr. Samples said that the world and the country needs to be a little greener, and he has that in mind in addition to supplementing his electric use.

Ms. Witt asked about the placement of the turbine, and she said that in reading the information, it looks like there are eight guide wires at two levels. Mr. Samples said there are only four. Ms. Witt expressed concern about people not seeing the wires at night. Mr. Samples said he plans to put up posts 10' high so the wires will be up nine to ten feet. Mayor Evans said he has no problem with the zoning change, but he is concerned with the wind turbine. He asked if the posts the turbine sits on are aluminum. Mr. Samples said he is planning to use 2" steel pipe. Mr. Forquer said he also has concerns with the safety and would like to hear from residents. He noted that there are additional lots in that immediate area that are large enough that they too could be rezoned to R1. He said that with regard to the engineering report, it seems like the design is being significantly altered, and that this sounds like a work in progress. Mr. Carry said that he appreciates the fact that Mr. Samples wants to be green, but he has concerns regarding the fall zone and also the noise. He said that he feels significant variations are being proposed regarding the foundation. He said that if this goes forward, he thinks it should have a permanent anchor system with a monopole structure to eliminate the guide wires. Mr. Bade noted that the Code clarifies the fall zone. He said that he has concerns because the documents show two sets of guide wires and the

proposed changes are substantive, and it doesn't meet the engineering report. Mr. Bade said that with regards to the zoning change, it meets the square footage requirement, but it is abutting a lot of R3.

Lillian Mandler, 1856 Lexington Drive, said that she does not want to see windmills in backyards in the City. She said that once one goes up, we will have more and more. She said she is concerned about the noise and the affect on property values. Ron Mesker, 1836 Lexington Drive, said that he feels this would be a colossal eyesore. He said he is not against wind power, and the turbines look great in 500 acres of corn, but not in his backyard. He stated that the Commission makes decisions for the community as a whole, and he asked that they do the right thing for the community and not set a precedent by approving this request. Mary Kaczinski, 614 Hunters Run, said that she is a Perrysburg resident and teaches a class regarding alternative energy at Owens Community College. She said that this proposed turbine is too close to other homes and trees to allow for an effective generation of energy. She said it would probably be disappointing to the people who install it because it won't generate a lot of electricity. Ms. Kaczinski said that aesthetically, monopoles are more acceptable than guide wires.

Mayor Evans made a motion to recommend to City Council to approve the zoning change from R3 Single Family Residential to R1 Single Family Residential and to schedule a public hearing for March 19, 2013 at 6:20 p.m. Ms. Witt seconded the motion and it was approved 4-1. Ayes: Carry, Evans, Forquer, and Witt (4). Nays: Bade (1).

Mayor Evans said that taking into consideration neighbor comments and questions from the Planning Commission, he moved to not approve the Special Approval Use. Mr. Carry seconded and the motion was unanimously approved.

Request for Review
Amendment to Final Site Plan
Residence at Carronade Phase 2

Feller,
Finch
& Associates, Inc.
Engineers · Architects · Surveyors

1683 Woodlands Drive
Maumee, Ohio 43537
Phone: (419) 893-3680
Fax: (419) 893-7887
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Donald L. Feller, P.E.
Gregory N. Feller, P.E.
Christopher E. Ciesielski, P.E.

January 8, 2013

Mr. Tom King
City of Perrysburg
Planning and Zoning Administrator

RE: The Residences at Carronade Phase 2
Project No. 10T06213E

Dear Mr. King:

This letter is to request that the Plan Commission reconsider their decision to deny the final site plan revisions for the above referenced project at their January 3rd meeting. We request that the reconsideration be on the agenda for the January 21st, 2013 meeting.

The revised final site plan was not turned down due to conflicts with the zoning code. It is our understanding that the final site plan, as submitted, conformed to the zoning code. It is also our understanding that the fire department submitted comments stating they approve of the revised final site plan.

Based on the meeting, the main objection was that the plan commission felt that the residents would have to drive too far through the development to reach an access point. It is our opinion that the site plan should not have been turned down based on a personal opinion with no other conflicts with the zoning code. The farthest a resident would have to travel through the currently approved site plan is approximately 1,126 ft. The furthest a resident will have to travel through the proposed revision is approximately 1,150 ft. There are several other developments similar to this where the residents have to travel the same or further distance to get to the main access point. Two examples are Lake Vue directly across the street and the Lakes at Woodmont Apartments on Thompson Rd. The furthest point in Lake Vue is approximately 1,100 ft. and the furthest point in the Lakes at Woodmont is approximately 1,600 ft.

Another issue that was brought up was the fact that the proposed entrance drive on Lake Vue does not directly line up with the drive across the street. We agree to revise the final site plan to align the proposed drive directly with the drive across the street.

Based on the comments that were received for the January 3rd meeting, it is our belief that the submitted revised final site plan conforms to the zoning code and does not reduce the public safety or welfare.

Based on this, we ask that the Plan Commission reconsider their decision for the revised final site plan that was presented at the January 3rd, 2013 meeting and we ask that this be placed on the January 31st, 2013 Plan Commission meeting.

Should you have any questions, please contact us at your earliest convenience.

Sincerely,

FELLER, FINCH & ASSOCIATES, INC.

Gregory N. Feller, P. E.
Vice President

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Mayor Evans stated that after the last meeting, he felt there was a lot of confusion regarding the request from the Residence at Carronade. Mayor Evans moved to rescind the previous motion to disapprove the Amendment to the Final Site Plan for Residence

at Carronade Phase 2. Mr. Forquer seconded the motion. Ayes: Evans, Forquer (2). Nays: Bade, Witt (2). Abstain: Carry (1).

Mr. Bade made a motion to reconsider the Amendment to the Final Site Plan for Residence at Carronade Phase 2. Mayor Evans seconded and it was unanimously approved.

Mark Horton, President of Weston, the owners of Residence of Carronade, gave a history of the development. He said that when they originally proposed this development many neighbors opposed it. However, they recently held a community gathering and 18 of those neighbors showed up. They presented to them the elimination of the curb cut on Carronade, and the neighbors were very supportive. Mr. Horton said that they feel eliminating the additional curb cut on Carronade will keep traffic flowing and is better for the neighborhood. Mr. Bade said he appreciates that they have spoken with the neighbors, but they were not present at the meeting.

Greg Feller of Feller and Finch said that he feels there are two reasons the amendment was denied: the drive location and internal flow. He said that the emergency exit on Lake Vue does not line up, but they will move it to line it up with the drive across the street. In regards to the internal flow, he presented figures regarding the furthest travel distance to a driveway within the development. He said that as originally submitted, the furthest travel distance on the left side was 1126' and on the right side it was 900'. With the revised site plan, the number on the right side would change to 1150'. Mr. Feller said in his professional opinion, 24' is not material and is not a safety issue. He said that he is not aware of any Code requirements regarding travel distance so it meets the Code. He said other projects with similar travel distances are the Lakes at Woodmont at 1600', Perry Lake Village at 1100', and Waterstone at 1200'. He said their proposal is not out of line with other projects, and the Planning and Zoning and Fire Divisions have recommended approval of the amendment.

Mr. Bade said that they have provided the furthest distance of cars traversing the parking lot, but what were the minimums before the change. He said in Phase II approximately 60% of the cars would be going 800' or more. Mr. Bade said although this is not in the Code, it is his job to look at it logically. He said he appreciates that they do not want another curb cut, but cars that leave out the Lake Vue driveway could only turn right on US20, and 50% of them work in Toledo and will want to go left. Ms. Witt noted that a lot of cars go down Hulls Trace to get to Carronade. Mr. Bade said that most people are not going to go out the second entrance on Lake Vue, it is not a good solution, and the second driveway on Carronade needs to be there. He said he is agreeable to them putting in all three driveways.

Mr. Forquer asked Mr. Horton why they are looking at a substitution or relocation of the driveway. Mr. Horton said that they do not want to add more traffic on Carronade, especially within such a short distance of the other driveway. Mayor Evans said that he does not see an issue with this request. He said we had two driveways before; we'll have two driveways now. He said that they did not add to the number of units, and he is always telling the City Engineer to cut down on the number of curb cuts. Mr. Forquer said that he feels this is a better plan, and he supports what they are trying to do as long

as the driveway is aligned on Lake Vue. He said that this proposal preserves the opportunity for the next property over on Carronade to have a curb cut as there could be three driveways within 800'. Mr. Horton said that if the Planning Commission wants to table this, he would be willing to have a traffic study done.

Mayor Evans moved to table this until the next meeting to allow the applicant to have a traffic study done. Mr. Bade seconded and it was approved 4-0. Ayes: Bade, Evans, Forquer, and Witt (4). Abstain: Carry (1).

Mayor Evans encouraged Mr. Horton to invite the neighbors that support this amendment to the next meeting.

Proposed Sign Code Amendment
Sign Code
Sections 1250.29 through 1250.40

Memorandum

To: Planning Commission
Copies: Bridgette Kabat, Mathew Beredo
From: Thomas E. King, Planning and Zoning Administrator
Date: January 24, 2013
Re: Sign Code Amendment Continued from 11/15/12 Meeting

This agenda item is continued from your meeting of January 3. After discussion of the additional amendments recommended by staff contained in my memo of December 20 the Commission debated the alternative recommendations for non-conforming signs whether after a ten year "sunset" all non-conforming signs would need to be replaced with new signs or alternatively there would be no sunset date and only upon a change to the sign structure would the sign need to be replaced or come into conformance with the then current code. In other words, the sign message and sign panel could be changed indefinitely without fixing the non-conforming aspect of the sign. Staff has proposed that after the sunset period, any kind of change to the sign would require the entire sign be replaced or otherwise be made to conform to the then current code.

Staff reported January 3 that there was under discussion a change to allow variances for signs. The Commission decided to wait for proposed wording being drafted to consider the change for variances before acting on the proposed sign code requirements. Attached to this memo is the proposal drafted by Law Director Beredo recommended by staff following its presentation to the Planning and Zoning Committee of Council at its meeting of January 16. The code section would be part of the sign code amendment and sets forth rather strict criteria and findings that would have to be met to justify a variance. The mark-up on this proposal shows the changes from what was presented to the Planning and Zoning Committee and the result of that discussion. The Committee was disinclined to limit the size of variances to 40% of regulated dimensions but asked the staff to consider whether the scope of aspects eligible for variance be limited. This recommended code section would limit variances to the height, area and setback aspects of permanent signs.

To summarize the code amendments addressing sign code regulation which are before the Commission consist of the following elements:

a. “Proposed Revision of Codified Ordinance Sections 1250.29-40, Sign Regulations”, dated 11/9/12, 12 pages.
b. “Attachment A – Planning & Zoning Staff Recommendations for Enhancements to Draft Sign Code, presented and discussed at the 1/3/13 Commission meeting, 7 pages.
c. “Code Section 1250.39 OTHER ADMINISTRATIVE PROCEDURES” attached to this memo, 2 pages.

If any Commission members are missing these parts, please let staff know. After the Planning Commission concludes a recommendation a public hearing will be scheduled before City Council with a 30 day public notice period.

1250.39 OTHER ADMINSITRATIVE PROCEDURES

(e) Board of Zoning Appeals: Notwithstanding any contrary language in this code, the City's Board of Zoning Appeals shall have jurisdiction to hear requests for a variance from the otherwise applicable terms of Sections 1250.31 through 1250.37 of the Codified Ordinances.

Any appeals pursuant to this provision shall be governed by the procedural requirements otherwise applicable to other appeals to the City's Board of Zoning Appeals.

In granting such a variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

(1) The Board of Zoning Appeals may grant a variance only if it finds that all of the following apply:

A. That the literal enforcement of the requirements of this chapter would involve practical difficulties based on the presence of special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district. A finding of such special conditions or circumstances shall be based on a review of factors including but not limited to the following:
   i. Exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter or amendment; or
   ii. Exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or
   iii. The impact on the property of uses or development of immediately adjoining property or properties.
   iv. Whether the applicant was aware of the relevant code limitation when the property was sold or leased to it.
   v. Whether the property in question will yield a reasonable rate of return in the absence of the proposed variance, or whether there can be any beneficial use of the property without the proposed variance.
   vi. Whether the issue could resolved by some other method, even if this alternate method is less convenient or most costly to achieve.

B. That granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this chapter, and is the minimum variance necessary to provide relief.

C. That the variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).

E. That the variance as granted would not confer on the applicant any special privilege, or deprive the applicant of rights, when compared with those rights commonly enjoyed immediately adjoining properties;

Mr. Forquer said that he will be abstaining from voting on the proposed Sign Code Amendment since he was not on the Commission for the majority of the discussion about it. Mr. Bade said that he is against the sunset clause but others have felt that it is warranted. Ms. Witt noted that in 1F the word "be" should be added to "could resolved".

Mayor Evans made a motion to recommend to City Council approval of the proposed Sign Code regulations and to set a public hearing for March 19, 2013 at 6:10 p.m. Mr. Bade seconded and it was approved 4-0. Ayes: Bade, Carry, Evans, and Witt (4). Abstain: Forquer (1).

There being no further business, the meeting adjourned at 8:47 p.m.

Respectfully submitted,

Mary Jo Sutton