

PLANNING COMMISSION

JANUARY 26, 2017

The meeting was called to order at 5:30 p.m. by Chris Carry. Commission members present were Chris Carry, Tom Forquer, Seth Hudson, Andy Lorenz, Eric Nicely, Mayor Olmstead and John Wellstein (7). Also present were Karlene Henderson, Law Director, Brody Walters, Planning and Zoning Administrator and Mark Easterling, Deputy Planning and Zoning Administrator.

Election of Chairman and Vice-Chairman

Mr. Forquer nominated Mr. Carry to be Chairman. Seconded by Mr. Hudson. Ayes: (7). Nays: (0).

Mr. Hudson nominated Mr. Forquer to be Vice-Chairman. Seconded by Mr. Carry. Ayes: (7). Nays: (0).

Approval of Minutes

Mr. Forquer moved to approve the minutes of the October 27, 2016 meeting as submitted. Seconded by Mr. Hudson. The motion was unanimously approved.

Administrator's Report

Mr. Walters introduced Andy Lorenz, new Planning Commission member. Mr. Walters called attention to a map distributed regarding specialized animal raising, and to revised Staff Reports for items 11 and 12 on the agenda.

Mr. Carry asked if any of the Commission members have any objections to the schedule of meetings for 2017. There were no objections.

Preliminary and Final Site Plan Review

Waffle House

11121 Fremont Pike

APPLICANT/OWNER/DEVELOPER

Waffle House

PO Box 6450

Norcross, GA 30091

REQUEST

Chapter 1260.05 – Preliminary Site Plan Review

Chapter 1260.08 – Final Site Plan Review

Chapter 1250 – Site Design Standards

PROPERTY LOCATION & DESCRIPTION

Location: The subject parcel is located just east of the E. South Boundary Street and Fremont Pike intersection, on the south side of the Fremont Pike between Speedway and Signature Harley-Davidson. Neighboring properties also include AutoZone.

Property Size: .96 total acres

Parcel: Q61-400-080209002000

ANALYSIS

The applicant have provided the necessary documents to conduct both a preliminary and final site plan review.

Preliminary Site Plan

- **Zoning:** C4 (Highway Commercial) (NOT within the corridor overlay)
- **Setbacks** (minimums): Front: 50 ft.
Side (each): 10 ft.
Rear: 30 ft.
- **Adjacent Zoning/Uses:**
All adjacent uses are currently zoned commercial (C-4).
- **Land Use(s):** The requested use has been reviewed and determined to be a singular use.
 1. "Restaurant, Full Service" – **Permitted Use**
- **Site Layout:** The applicant is proposing to construct a one story building that is approximately 2112 SF in the center of the parcel. The building would use the existing access drive connecting Speedway and Signature Harley-Davidson as an entrance to the property.

Final Site Plan

- **Parking:** The parking lot configuration shows 31 onsite parking spaces. Per Ch. 1250.03(c)(i), occupancy calculations were not able to be determined. Therefore, the number of spaces were calculated by requiring 1 space per 200 square feet. The required number of onsite parking spaces is 11. The proposed spaces are meet the standard size requirements (10'x20') with a 21.8' drive aisle.
- **Landscape Islands:** The proposed plan shows 4 landscape islands for 31 onsite parking spaces that vary in size. Per Ch. 1250.19(d), a landscape island will be provided at one (1) for every ten (10) spaces with two (2) shade trees per

landscape island. The proposed landscape islands also show only one (1) shade tree in placed in three of the four islands, with 2 shade trees placed in only 1 landscape island. Although it does not meet the requirements, the applicant has placed additional trees throughout the property.

- **Parking Lot Landscape:** The R.L.A. has provided a calculation indicating that in order to achieve the proper quantity of parking lot landscaping, 911 SF of landscape is needed. The plan indicates that 1,076.34 SF has been provided. Per Ch. 1250.19(c) "One (1) tree shall be required for each eight (8) spaces". The applicant has placed 9 additional trees in the site landscaping (4 required).
- **Site Landscaping:** The R.L.A. has provided a calculation indicating that in order to achieve the proper quantity of overall site landscaping, 4,097 SF of landscape is needed. The plan indicates that 4,156 SF has been provided.
- **Street Tree Plan:** The applicant has provided a street tree plan that has been forwarded to the Dept. of Public Service for review by the Street Tree Commission.
- **Signage:** Any request for signage will be reviewed by the zoning inspector in accordance with Ch. 1250.29 prior to the issuance of any sign permits.
- **Lighting:** A photometric plan has been supplied for this site showing the light effect of 3 proposed light poles and 1 wall light. The light photometric plan shows that the light is concentrated within the site and there is little to no light spillage outside of the property. The height of the light poles is indicated at 22.5' on the plan which does not exceed a height maximum of 30' within this zoning district. This lighting plan is inconsistent with the lighting shown on the site plan. The site plan shows 4 proposed poles in different locations.
- **Building Materials:** The proposed building shows a mixture of mostly glass, brick, and wood. There are some inconsistencies shown in the amounts and percentages shown on the "Long Block Wall" and "Long Glass Wall". The amounts of a materials are shown to be the same amount on both sections although it visually shows different amounts of materials. Visually it would appear that the mixture of materials would meet the maximum percentage requirements. Per Ch. 1250.481(f) "Facade colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited." The bright yellow fascia used on each façade is prohibited.
- **Dumpster Enclosure:** The dumpster enclosure is proposed to be located in the front yard of the Waffle House. Per Ch. 1250.58 "Waste receptacles shall be located in the rear yard or non-required side yard, and shall be as far away as practical, and in no case less than twenty (20) feet, from any residential district and placed in such a way that they are not easily damaged by the refuse vehicle. The location and orientation of the waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from a public street or adjacent

residential district.” The current location shows that the dumpster, although in the front yard, is outside of the 50’ setback and would be fully enclosed and screened from Professional Drive with landscaping. All other aspects of the enclosure appear to be acceptable with the code requirements.

- **Sidewalks:** Public sidewalks are already present across the road frontage.
- **General Engineering:** The applicant shall submit and obtain City of Perrysburg construction review approval for drainage calculations and general engineering prior to a zoning permit being issued. Additionally, a pre-construction meeting must be conducted prior to the issuance of zoning permits.

RECOMMENDATION

It is recommended that the Planning Commission provide conditional approval for the preliminary and final site plan and to permit the Planning and Zoning Administrator to review the plan revisions below for compliance and permitting.

1. Removal of the double stacked parking. The site shows an abundance of parking spaces that would allow for ample employee parking.
2. An updated photometric plan is to be provided and would reflect the same lighting shown on the updated site plan.
3. Elevations are provided that show correct percentages with the yellow fascia is replaced with additional brick or subtle earth tones. The traditional yellow can be used in the letter signage as shown in the exhibit submitted.

Mr. Easterling reviewed the above Staff Report. John Erford was present on behalf of Waffle House. Mr. Forquer asked about the parking spots that Speedway will be losing. Mr. Walters stated that those spots should not have been used in calculations for Speedway. There was discussion regarding the shared access between Speedway and Signature Harley Davidson. Mr. Erford said that there are access easements in place through the plat. Tim Sherman of Signature Harley Davidson asked when they plan to open. Mr. Erford said that an opening date has not been established, but the intent is to open this year. Mr. Sherman said that he is concerned about his customers’ safety during construction and he asked if the Planning and Zoning code addresses this. Mr. Walters said that it does.

Mr. Forquer moved to approve the Preliminary and Final Site Plan for Waffle House subject to the terms and conditions contained in the Planning and Zoning Division’s Staff Report. Seconded by Mr. Carry. Ayes: (7). Nays: (0).

**Preliminary Site Plan
AAA Auto Care
N. Dixie Highway**

APPLICANT

Jonathan Evans
Evans Engineering
4240 Airport Rd., Suite 211
Cincinnati, Ohio 45226

REQUEST

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

PROPERTY LOCATION & DESCRIPTION

The proposed project is located on parcel #s Q61-400-180304011000 through Q61-400-180304018000, Q61-400-180304006000 through Q61-400-180304010000. This property is located on the east side of N. Dixie Highway, between Gloria Street and Ft. Meigs Boulevard. The property is approximately 1.51 acres in size and is zoned C - 4 Highway Commercial. All adjacent city property on the north and south sides of the site are also zoned C-4, with a Planned Business Park to the west. The proposed project is in the process of acquiring six parcels from Perrysburg Township on the southwest corner of the potential site.

ANALYSIS

Preliminary Site Plan

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

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

Access – The subject location currently has a curb cut on the north side of the property that accesses Gloria Street, and a curb cut on the south side that accesses Ft. Meigs Boulevard. All proposed drives are shown to be in compliance with the required spacing distance streets and drives (100’ minimum distance from intersections and 80’ from existing driveways).

Parking – The parking requirement for this use was calculated at 39 required spaces (see Ch. 1250.03(r)) with 47 spaces provided. This plan appears to be dimensionally consistent with the requirements of the zoning code. Additionally, parking is not allowed to be located in the front yard without the approval of the Board of Zoning Appeals (BZA approved parking in all three front yards on 12/12/16).

Landscape Islands – The landscape islands that are shown on site are sufficient in both size, quantity and arrangement.

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

Signage – A full review of signage will be conducted by the Planning and Zoning Division prior to the issuance of permits.

**Note: Relief for area, height and setback can be sought from the BZA. No relief can be provided for sign quantity.*

Lighting – None currently shown on preliminary site plan.

Sidewalks – Public sidewalks are required across all frontages and are shown on the site plan. In the middle of the screen wall a sidewalk is shown that will provide pedestrian access to the front entrances of the proposed building. Sidewalks are also shown through both potential driveways.

Waste Receptacles – Receptacles shall be in accordance with Ch. 1250.57. The proposed location of the waste receptacle is not in compliance with the zoning code which states that waste receptacles should be located in a rear yard of a non-required side yard. The receptacle should be fully enclosed on all sides. Additionally, landscaping should be added around the enclosure to provide additional screening from Gloria Street.

RECOMMENDATION

The Planning and Zoning Deputy Administrator recommends approval of the preliminary site plan with the condition to relocate the detention pond from the north side of the property. The location of this detention pond would cause similar problems as seen in the Taco Bell project in regard to aesthetics and landscaping. The proposed location would eliminate the possibility of planting street trees or potential landscaping that would screen the north side of the parking lot. The potential pond should be relocated to undeveloped area on the east side of the property, or can be placed underground.

Mr. Easterling reviewed the above Staff Report. Jonathan Evans of Evans Engineering was present on behalf of AAA. Mr. Evans said that they have no problems with the Staff Report or recommendation. He said they are agreeable to moving the detention area and will work with the staff on the location.

Mr. Forquer moved to approve the Preliminary Site Plan for AAA Auto Care subject to the terms and conditions in the Planning and Zoning Division's Staff Report. Mr. Carry seconded. Ayes: (7). Nays: (0).

Code Amendment – Specialized Animal Raising and Care Chapter 1215.02(180)

APPLICANT/OWNER/DEVELOPER

Krista Kiessling
947 Maple St.
Perrysburg, OH 43551

REQUEST

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

DESCRIPTION

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

BACKGROUND

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

ANALYSIS

Existing Code Language

1215.02(180) Specialized Domestic Animal Raising and Care

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

Proposed Code Language

1215.02(180) Specialized Domestic Animal Raising and Care

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

Existing Code Language

1225.08 Land Use and Base Zoning Table

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

Proposed Code Language

1225.08 Land Use and Base Zoning Table

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

Existing Code Language

1235.04(vv) Specialized Domestic Animal Raising and Care

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

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

Proposed Code Language

1235.04(vv) Specialized Domestic Animal Raising and Care

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

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

- (2) Hens raised as pets require a minimum of 10 square feet of confined space per hen. Outside run should be a minimum of 90 square feet for 6 hens. Total – just under 110 square feet (minimum) for 6 hens. Coop must not exceed size requirements for accessory buildings as outlined in 1250.61
- (3) Permit – Before the keeping of hens may occur, a permit must be obtained through the Zoning Office. The permit application must be accompanied by a one time, \$25 fee paid to the City of Perrysburg. New permit applications shall include the following information: name, phone number, home address and email address of the applicant; the size and location of the subject property; the

land use zoning designation (R1, R2 or R3); a proposal containing the number of hens the applicant seeks to keep on the property; a description of the coop or outdoor enclosure providing precise dimension and precise location of enclosures in relation to property lines and adjacent properties, with specifications and drawings if available; a certificate or letter showing that the applicant has taken a class in keeping backyard hens from The Ohio State University Extension office or similar organization;

- (4) Owners of hens as backyard pets will comply with code requirements for responsible animal care as outlined in 618.
- (5) No more than 6 hens may be kept on one property. Roosters are strictly prohibited.
- (6) Sanitation: Slaughtering – the coop must be kept clean, dry and sanitary; free from debris and offensive odors. It shall be so located that adequate draining is obtained, normal drying occurs and standing water is not present. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. All feed must be stored in a rodent proof container.
- (7) Permit revocation – the City of Perrysburg may revoke a permit at any time if the permit holder materially fails to adhere to the provisions of this subsection.

RECOMMENDATION

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

Further, it is recommended that a public hearing be set before City Council for March 7, 2017 at 6:20 p.m.

Code Amendment – Specialized Animal Raising and Care Chapter 1215.02(180)

APPLICANT/OWNER/DEVELOPER

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

REQUEST

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

DESCRIPTION

The proposed code amendment to Chapter 1215.02(180) would change the definition of “Specialized Animal Raising and Care” to more clearly indicate that non-traditional pets including but not limited to chickens, goats, pigs, skunks, and llamas are not permitted in the City of Perrysburg except on Agriculturally (A-1) zoned land or on land zoned R-1

(Single Family Residential) with a Special Approval Use (per Ch. 1225.08). The proposed changed to this definition is not intended in any way to modify or override Ch. 618.22 which includes a list of restricted animal species.

BACKGROUND

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

ANALYSIS

Existing Code Language

1215.02(180) Specialized Domestic Animal Raising and Care

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

Proposed Code Language

1215.02(180) Specialized Animal Raising and Care

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

RECOMMENDATION

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

Further, it is recommended that a public hearing be set before City Council for March 7, 2017 at 6:20 p.m.

Mr. Walters reviewed the Staff Reports relating to items 9 and 13 on the agenda. He said that item 9 is a code amendment that would permit chickens as a special approval use in

R2 and R3 zoning districts, in addition to R1 and Agricultural districts where they are already permitted with a Special Approval Use. The Code Amendment that the City has put forth would further define Specialized Animal Raising and specifically preclude chickens. The Code Amendment sponsored by the City was presented to the Commission at the September meeting and was tabled.

Mr. Forquer made a motion to untable the Code Amendment regarding the definition of Specialized Animal Raising. Mr. Carry seconded. Ayes: (7). Nays: (0).

Krista Kiessling thanked Mr. Walters for his assistance in putting together the proposal to permit chickens within the City. Ms. Kiessling said that she represents a larger group known as Chickens in the Burg and she wanted to emphasize the restrictions included in the Code Amendment. She said that she realizes this has been considered before, but she is hoping that the level of restriction makes residents comfortable with backyard chickens. She said that they are less intrusive than dogs and are good for food production and pest control. She said that her chickens have personalities and names and that Perrysburg can make a progressive statement that we're diverse; we don't limit the rights of property owners.

Mr. Hudson asked about the proposed language in 1235.04(vv)(6) regarding slaughtering. Ms. Kiessling said that it should read No Slaughtering. She said that they don't want chickens for the traditional agricultural use and once they stop laying eggs they will still keep them as pets. Mr. Hudson asked about 1235.04(vv)(7) and who would determine what "materially fails" means. Ms. Kiessling said that enforcement is a gray area. Mr. Hudson asked if the permit would need to be renewed annually. Ms. Kiessling said that it would be a one-time thing. Mr. Hudson had questions about maintaining the standards in subsequent years. Ms. Kiessling said that they would be starting off with some unknowns, but this is constructed so it is stricter than the ordinance for dogs because they are aware of people's concerns. Mr. Nicely asked about the size of the outside run that would be required. Ms. Kiessling said that they want the chickens to be happy, because happy chickens don't make noise. Mr. Nicely asked about disposing of the waste from the chickens. Ms. Kiessling said in a perfect world it would be composted because there is less e-coli in chicken waste than in dog waste. Mr. Nicely asked about coops and said that his concern is not just for the chickens, but all residents, and he expressed concerns about what could be attracted to the chickens. Ms. Kiessling said that the chickens will kill mice and moles and she has seen hawks, but not an increased presence. Mr. Wellstein asked what the class that would be required would consist of. Ms. Kiessling said that she is envisioning a two hour class at the library to be taught by Tony Weber who is formerly of Perrysburg, to educate people on the care of chickens. Ms. Kiessling explained that Lakewood, Ohio which is outside of Cleveland, has small lots and they now allow backyard chickens after doing a pilot program.

Mr. Wellstein stated that he likes the idea of a limited permit structure and added that he is concerned about enforcement. He said that the permit revocation language is vague and would need to be reworded. Ms. Kiessling said that she is willing to tighten up the language. She said that she and Mr. Walters discussed enforcement but it might be best

sent to the Animal Control Officer. Mr. Wellstein asked Mr. Walters who he thinks should handle enforcement. Mr. Walters said that would be a higher level Administration decision. Mr. Walters called attention to letters received from residents that were included in the Commission members' packets as well as an email from Doug Kollman, 421 W. Fifth Street, which states that he hopes that chickens are not allowed because of the noise and smell. He said that he has some that live next to him. Ms. Kiessling said that they put it out on social media and received a lot of support with few naysayers. She said that this is a personal preference thing and has a lot to do with perception. She said that they do not want to upset neighbors and they are not proposing anything loud or obstructive.

Mayor Olmstead said that with each decision, regardless of the topic, he looks at what allows the maximum use and enjoyment of one's property. He said that he looks for maximum liberty, but an order to that liberty. For example, if you buy a house in the Historic District you can expect more regulations and if you are in a commercial district you expect it to be different than a residential district. He said it is probably reasonable for someone to say I didn't buy my house expecting farm animals next door. He questioned what would happen if next month fifty people came in asking about llamas or potbellied pigs. He said how can they say it is okay for this farm animal, but not others; where does the order start and stop. Mayor Olmstead noted that the majority of the City was not in attendance at the meeting. Ms. Kiessling said shame on them. Mayor Olmstead complimented her on her passion, but said that he is not sure the majority of the City wants this and if approved, he wonders what kind of precedent we would be setting. Ms. Kiessling corrected the Mayor and said that chickens are not farm animals, they are pets. She said that this is a national movement. She said that chickens produce less waste than dogs and dogs bark at night while hens put themselves to bed at sunset. Ms. Kiessling said that she has a list of communities that have successfully implemented backyard chickens, and no one has come in asking for llamas.

Mr. Lorenz asked Ms. Kiessling if she could provide that list of other communities to the Commission. He also asked if the permit would follow a property owner from one location to another if they moved. Ms. Kiessling said that she does not believe that it would because they would need to have the new location inspected. Mr. Lorenz asked where the square footage requirements came from. Ms. Kiessling said that she used many sources and the requirements are greater than what most sites recommend for the comfort of the hens. Mr. Forquer said that he appreciates the presentation, but he is a city boy and is not a pet person. He said that with all due respect to her passion for the issue, he's just not there. He said that we already have foxes and coyotes in the area. Ms. Kiessling said that you would have to see them interact to see the relationship they have with their hens. She said that maybe there is a need to do a coop tour like Lakewood, Ohio did. Mr. Carry said that he grew up on a farm and he could personally support the idea, but he is on the Commission as a representative of the community and he does not think he could support it without more knowledge and insight. Ms. Kiessling said that they just ask that they be given a chance to provide more information. Mr. Nicely asked about the size of the coops and runs compared to the lot size. Ms. Kiessling said that in Lakewood their lot sizes are significantly smaller and they had people putting coops right

up next to the fence line. Mr. Nicely said that he has a small lot in town and he does not want a coop or run up at his property line. Ms. Kiessling said that in Seattle they are kept on balconies and when they are cared for properly, they are not a problem. She added that with a smaller space you have to be conscientious. Mr. Hudson asked if the Lakewood ordinance has a special approval use mechanism. Mr. Kiessling said that they do not; they work on a limited number of permits. Mr. Hudson asked if the avian flu was addressed in other communities. Ms. Kiessling said that there was no specific attention paid to backyard hens as the disease is usually in large scale operations. She said that she has not seen any correlation with backyard hens, but she will look for information pertaining to the subject to provide to the Commission.

Mr. Carry asked if Ms. Kiessling wanted the Commission to vote on the matter or if she would like to withdraw it to allow her an opportunity to provide additional information to the Commission. Ms. Kiessling said that as long as the Code Amendment banning chickens was going to be tabled, she would withdraw her request so she can get additional information.

Mr. Carry moved to table the Code Amendment defining Specialized Animal Raising that would disallow chickens. Seconded by Mr. Forquer. Ayes: (7). Nays: (0).

Rhonda Grimm said that part of the Code Amendment to allow backyard hens includes getting neighbors' approval. Chip Pflieger, 401 W. Front Street, said that with regards to enforcement, the Code is enforced selectively.

Preliminary & Final Site Plan Review The Shoppes at Riverplace – Parking Lot

APPLICANT/OWNER/DEVELOPER

Dave Kienzle
4841 Monroe St., Suite 350
Toledo, OH 43623

Rusty Wilke
The Collaborative Inc.
500 Madison Ave.
Toledo, OH 43604

REQUEST

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

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located north Eckel Junction Road and West of SR25. The project site is comprised of eight (8) parcels that collectively contain approximately

12.28 acres. These following parcels are zoned “C3” Community Shopping and are located within the corridor overlay.

Parcels: Q61-400-070301020001 Q61-400-070301020002
 Q61-400-070301021001 Q61-400-070301019000
 Q61-400-070301022001 Q61-400-070301020001
 Q61-400-070301019003 Q61-400-070301022000

BACKGROUND

The entire existing Riverplace shopping center parking lot was recently repaved (Fall/Winter 2016) under a repair and maintenance allowance. The shopping center’s owner now desires to add additional parking area (shown in dark gray on the site plan) to the existing area which will now trigger a site plan review for the entirety of the shopping center.

ANALYSIS

Preliminary Site Plan

- **Land Use:** Various (all uses are existing and are reviewed on an individual basis prior to the issuance of a certificate of occupancy).
- **“C3” Dimensional Requirements:** Lot Coverage: 25%
Front: 50’

Min. Side: 0’
Min. Side total: 20’
Rear: 35’
Max. Height: 35’
Req. Min. Site Landscape: 10%
- **Lot Coverage:** The maximum lot coverage percentage for this project site is 25%. No calculation has been provided as part of this report but a basic visual analysis of the site plan would suggest that this requirement is being met.

Calculation: 25% of 12.28 acres = 3.07 acres
3.07 acres = 133,729 GSF of allowable buildings

- **Adjacent Zoning/Uses:**
 North – “C4” Highway Commercial Zoning

 East – “C4” Highway Commercial Zoning

 South – “C4” Highway Commercial Zoning & “INS” Institutional Zoning

West – “I1” Light Industrial Zoning

- **Site Layout:** The site plan indicates that all existing features on site are planned to remain in their current location (buildings, signs, etc.). The identified change is shown on the site plan in a dark shaded gray color and is labeled as containing 18 new parking spaces. The area of the proposed pavement is currently grass open space.
- **Roads and Access:** The project site will remain accessible by SR25 and Eckel Junction Road. No traffic impact study has been requested as part of this application due to having existing tenants and the site work is not anticipated to have a significant impact on traffic flow or volume.

Final Site Plan

- **Parking:** By code, this use would require 394 parking spaces based on the calculation of 1 space for each 200 SF of usable floor area. The total GSF of the buildings in Riverplace is approximately 105,000 SF making 78,750 SF of that building area usable (75%). This application is sufficient in terms of parking due by providing either the current or proposed amount of parking. Additionally, the code does not permit parking within the required front yard area (within the 50' setback from the right-of-way). By code parking spaces are to be sized at 10' x 20' and this application shows parking spaces sized at 9'6" x 18'.
- **Sidewalks:** Public sidewalks are existing along all frontages of this project site. However, this site does not currently have pedestrian sidewalk access from the public sidewalk to the retail buildings as required by code. It would be recommended to install two of these access points, one from the sidewalk along SR25 to the front entrance area of Walt Churchill's Market (just north of the existing electronic sign) and a second one from the public sidewalk to the front entrance area of Subway restaurant.
- **Driveways:** The maximum width of commercial driveways is 35' wide. The site plan does not indicate the current width of the driveways.
- **Landscape Islands:** Based on the number of provided parking spaces (569 spaces), this site should include 57 landscape island to be in compliance with the code. As shown the site contains 23 landscape islands. The required number of landscape islands is determined by dividing the provided parking by 10. Typically it is required that landscape islands be used to divide up large runs of parking spaces into rows of no more than 10 spaces.
- **Parking Lot Landscape:** Parking lot landscape is required to meet or exceed 6% of the area of the parking lot. Landscaping within and immediately adjacent to the

parking lot can count towards this percentage but any adjacent landscape used in this calculation cannot also be used towards the calculation of the site landscaping. According to notes on the site plan, the total parking lot area is 259,274 SF in size and would require 15,557 SF (6%) of landscaping. The applicant's notes indicate this requirement has been met and exceeded with the total provided landscape totaling 8.9% of the parking lot area. It should be noted that the limits of the area used in the parking lot area calculation have been reduced by excluding the entrance drive off of SR25 and the entrance drive off of Eckel Junction Road. The inclusion of these driveway areas would further reduce the parking lot landscape percentage by an unknown amount.

- **Site Landscaping:** No landscape plan has been provided. Per Ch. 1230.01 Intensity & Dimensional Standards at least 10% of the site must be landscaped.
- **Street Tree Plan:** No Street tree plan has been provided as part of this application. Review and approval of the street tree plan is required prior to the issuance of a zoning permit.
- **Signage:** Signage is not part of the submission application.
- **Lighting:** Lighting is currently present on site and is shown on the site plan. No details have been provided as to the height and coverage of the installed light fixtures.
- **Building Materials:** The applicant has not provided a building material percentage calculation but the use of full masonry on the existing buildings would meet the requirements of Ch. 1250.48.
- **Trash Receptacle:** The application shows a total of 5 trash collection areas located around the back side of the shopping center. No details have been provided to determine whether the existing collection areas meet the requirements of Ch. 1250.57.
- **Corridor Overlay:** The subject properties are within the corridor overlay district and are therefore subject to Ch.1245.29. Notably from this chapter is the requirement for a screen wall along any parking lot which has frontage along a public right-of-way. The screen wall should be located 3-4 feet inside of the property line with landscaping between the wall and the property line. The height of the wall is to be between 38-42 inches.
- **General:** The applicant shall submit and obtain City of Perrysburg approvals for all site/civil construction plans, including drainage calculations and hold a

preconstruction meeting prior to the issuance of a zoning permit. A zoning permit is required prior to Wood County issuing a building permit.

RECOMMENDATION

No recommendation provided.

Mr. Walters reviewed the above Staff Report. Dave Kienzle stated that this is a unique situation and that he is proposing adding eighteen parking spaces which is actually a net zero because he lost eighteen spaces due to some changes in the landscape islands that he already made. However, this addition makes him subject to a new review.

Mr. Hudson asked if the new parking spaces are the same size as the existing parking spaces. Mr. Kienzle said that they will be. Mr. Hudson asked if these parcels are affected by the gas easement in that area, and Mr. Kienzle said that they are and there are pavers on that portion of the parking lot. He said that it increased the cost of the project by \$47,000 by putting in the pavers. He said that he was not required to do pavers but he is more comfortable with it and the gas company is happy with what they are doing. Mr. Kienzle added that when the plan was originally approved years ago, it was approved for it all to be paved and the drainage calculations are based on paving the whole thing. Mr. Wellstein said that he likes what they are doing with the new islands and to keep up the good work. Mr. Kienzle said that he likes the recommendation about connecting the sidewalk; it is a good observation. He said that he is happy to meet with the Street Tree Commission, but with regards to the other items, this is a pre-existing parking lot and to put in landscape islands would cost two million dollars. He said that he would lose 204 parking spaces which would hurt his tenants. Mr. Forquer asked if Columbia Gas Transmission has looked at this and is okay with it. Mr. Kienzle said that they have and they are okay with it. Mr. Forquer said that in 1989 or 1990 they had a plan to pave everything but at the time they held off. Mr. Kienzle said that is true, at the time they did not feel it was needed. Mr. Forquer said that in the most recent change the net gain is zero because of the lost spaces due to the expansion of landscape islands. He added that he likes what has been done with the islands.

Mr. Carry asked Mr. Kienzle why he chose to make the changes to the islands and lose the 18 spaces. Mr. Kienzle said the landscape islands were small. They have been enlarged and irrigated; bigger islands mean healthier trees. Mr. Carry said that he would have asked for the additional 18 spaces before he removed the other 18. Mr. Kienzle said that he wanted to get the work done before winter. Mr. Carry noted that there have been multiple properties come in with changes and they have been required to bring the site up to Code. Mr. Kienzle said that there is no room for a wall on Eckel Junction Road because of the land given to the City and there is little space on SR25 because of the configuration of the shopping center. Mr. Carry said that if the Commission does what is being requested, they are on a slippery slope and normally with compromise, it is two way. Mr. Forquer said the difference is that this project has an approved site plan that showed the additional pavement. Mr. Kienzle said that he has not seen another code with a total review process for any change. He said that he spent \$700,000 on parking lot improvements. He took adequate islands and made them great. Mr. Lorenz asked if there is a need for the additional 18 parking spaces. Mr. Kienzle said that there is a high

demand for parking spaces in that area, especially with BW3's. Mr. Wellstein asked why there was no recommendation provided. Mr. Walters said that there are a lot of moving parts with not a lot of time available. He said the struggle is that the Code requirements are a quantitative issue and this is a qualitative issue. Mr. Forquer asked what would have happened if they had gotten a permit back when this was approved. Mr. Walters said the permit would have expired. He said that the stormwater detention requirements have changed since that time from a 25 year requirement to a 100 year requirement. He said that hurdle could be what stops this project. Mr. Kienzle said that it was built to a 50 year storm and he has spoken with Mannik & Smith and they feel that they can work through this. Mr. Walters said that will be handled with the engineering review. Mr. Forquer asked why that review isn't done first. Mr. Walters stated that engineering reviews plans that have already been approved by the Commission. He added that he has not checked Mr. Kienzle's figures, but if there is truly no gain on the parking spaces, the City's Engineering Division will accept that. Mr. Forquer asked who would make that determination. Mr. Walters said that a professional engineer will do the drainage calculations. Mr. Kienzle said that if they have to increase the detention, he will walk away from the project. He said that if he has to reduce the number of spaces to ensure no increase, he'll go with that.

Mayor Olmstead moved to approve the Preliminary and Final Site Plan for the Shoppes at Riverplace - Parking Lot subject to adding pedestrian sidewalk access from the sidewalk along SR25 to the front entrance area of Walt Churchill's Market (just north of the existing electronic sign) and a second one from the public sidewalk to the front entrance area of Subway restaurant, an approved Street Tree Plan, and an engineering review of drainage calculations. Seconded by Mr. Wellstein. Ayes: Forquer, Hudson, Lorenz, Nicely, Olmstead and Wellstein (6). Nays: Carry (1).

**Preliminary & Final Site Plan Review
Perrysburg Boat Club – Building 1
North Side of Water Street**

APPLICANT/OWNER/DEVELOPER

Jerry Abair
202 E. Harrison St.
Maumee, OH 43537

Kate MacPherson
617 Adams Street
Toledo, OH 43604

REQUEST

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

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located north of Front Street, along the north side of the existing Water Street. The project site north of Water Street is approximately 0.18 acres in size and is zoned “P” Park.

Parcels: Q61-000-901205003000 and Q61-000-901205004000

BACKGROUND

The Perrysburg Boat Club was a tenant in a city owned building for many years and in January of 2016 the building occupied by the Boat Club was razed due to structural and practical concerns. The loss of this tenant space has prompted the Boat Club to explore options of constructing a new facility on adjacent land which they have acquired. The request for consideration of a preliminary and final site plan approval is a unique and challenging request due to many factors that will be outlined in this report.

The Boat Club has made several trips to the Board of Zoning Appeals to seek relief for this project. The schedule below is intended to be a summary of past events as well as a description of the outcome.

April 11, 2016 – Boat Club seeks a variance from the BZA for setback relief on the front yard, side yard and the rear yard (watercourse setback).

July 11, 2016 – Boat Club seeks a variance from the BZA for parking relief.

August 11, 2016 – Boat Club appeals the BZA decision to City Council to allow a 3’ front yard setback.

After receiving relief from the BZA and City Council the new baseline standards for site plan consideration are as follows:

1. The Boat Club is not required to have any onsite parking for the B-1 project.
2. The building setback along Water Street has been reduced from 50’ to 3’.
3. The side yard setback along the east side of the property has been reduced from 20’ to 2’.
4. The rear yard building setback has been reduced from 75’ to 5’.
5. The watercourse setback has been reduced from 15’ to 5’.

These areas of relief will be highlighted throughout the report as necessary. All other development standards in Ch. 1250 are unchanged for this project.

This project is also situated in the Perrysburg Historic District and will require review and approval by the Historic Landmarks Commission prior to final approval of the final site plan or the issuance of a building permit.

ANALYSIS

Preliminary Site Plan

- **Recommended Land Use:** ~~“Club, Lodges, Fraternal and Civic Assembly”~~

~~**Definition:** Club, Lodges, Fraternal and Civic Assembly: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not for profit. Meetings and activities primarily conducted for members of such groups. Excludes group living and transient habitation uses.~~

~~The “Club, Lodge, Fraternal and Civic Assembly” use is not permitted in “P” Park Zoning.~~

~~**The Boat Club has cited the classification of “Community Recreation” rather than the recommended category of “Club, Lodges, Fraternal and Civic Assembly”**~~

Definition of Community Recreation: Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings.

A. Active Recreation: Areas used or designed for participant-oriented, group sports and recreation activities, including spectator areas associated with such facilities. Typical uses include:

1. Recreational facilities of an active nature, such as athletic fields, play grounds and children's play apparatus areas, court games, swimming pools, miniature golf courses, golf courses, and driving ranges;
2. Public and community recreation buildings, including enclosed and semi-enclosed buildings providing public assembly and activity areas, such as gymnasiums, meeting rooms, game rooms, arts and crafts, dancing and dining, and fitness centers;
3. Band shells and outdoor theaters;
4. Campgrounds; and
5. Facilities incidental to the operation of public recreational uses, such as refreshments stands, small concessionaire shops dispensing sporting goods, miniature golf and similar uses accessory to public recreational uses.

B. Passive Recreation: Areas used or designed for individual sports and recreation uses of a passive nature. Typical uses include golf courses (golf course club houses are considered an "active recreation" use); hiking, bicycle and equestrian trails; greens and commons; sitting areas; picnic areas; botanical gardens; arboretums; conservatories; and natural wildlife or plant habitat areas.

C. Marinas: Any public or private facilities used for mooring, berthing, or securing, recreational boats. Typical uses include yacht clubs and public boat docks.

~~The use of Park zoned property for a club, lodge or place of fraternal assembly is not a permitted use. If the use is determined to be "Community Recreation" this use could be permitted if the Special Approval Use is granted.~~

- **"P" Park Setbacks:** Front: 50 ft. (Now 3')
Min. Side: 20 ft. (Now 2')
Rear: 75 ft. (Now 5')
Watercourse: 15 ft. (Now 5')
Max. Height: 35'

With the relief provided by the BZA and City Council, the project does meet the new baseline dimensional standards that govern this site.

- **Lot Coverage:** Park zoning does not place a restriction on the percentage of lot area that can be developed for a building.
- **Adjacent Zoning/Uses:**
 - North** – Maumee River
 - East** – "P" Park (City of Perrysburg property), Boat Docks
 - South** – C1 Neighborhood Commercial (vacant)
 - West** – "P" Park (vacant)
- **Site Layout:** The site plan identifies building B-1 along with 2 decks (one on each end of the building) and a lower terrace area located under the building.
- **Roads and Access:** The project site is accessible by Water Street. It is important to note that Water Street is not an improved roadway. Water Street currently exists as a dedicated right-of-way which consists of some paving and gravel. A Traffic Impact Study has not been requested for this project due to the fact that there are no vehicular facilities being created and there are existing plans to convert the

existing gravel path within the Water Street right-of-way into a 10' wide asphalt multi-use path. Public parking for the users of this site will need to be found elsewhere in the area.

Final Site Plan

- **Parking:** Typically this use would require 32 parking spaces based on the calculation of 1 space for each 75 SF of usable floor area. The GSF of B-1 is 2,432 SF making 1,757 SF of that building usable (75%). Due to an approved variance no parking is required for this project site.
- **Sidewalks:** Public sidewalks are not shown as part of this application. The only sidewalks present in the application are running perpendicular to the right-of-way rather than parallel and are intended to connect the Boat Club's B1 and B2 together. These sidewalks are not intended to be public sidewalks.
- **Landscape Islands:** Landscape islands are typically required for each 10 parking spaces and are used to help achieve the minimum percentage of parking lot landscaping. No landscape islands are necessary due to the lack of any vehicular parking facilities with this project.
- **Parking Lot Landscape:** No parking lot provided.
- **Site Landscaping:** No landscape plan has been provided but per Ch. 1230.01 Intensity & Dimensional Standards there is no minimum requirement for on-site landscaping.
- **Street Tree Plan:** No Street tree plan has been provided in the application. Review and approval of the street tree plan is required prior to the issuance of a zoning permit.
- **Signage:** No signage is shown within this application. Signage will be reviewed at the time a sign permit application is made to the Planning and Zoning Division and will require review and approval by the Historic Landmarks Commissions.
- **Lighting:** No lighting is indicated on the plan.
- **Building Materials:** The applicant has not provided a building material percentage calculation. Sheet A200 does not provide a clear understanding of the materials to be used on the building. There is mention of cast in place concrete, wood siding, wood shingles, and metal panels but no reference to which locations or

percentages. As a note, Ch. 1250.48 does not permit the use of metal panels in “P” zoning. All building materials will be required to meet the percentages indicated in the zoning code and will be subject to review and approval by the Historic Landmarks Commission.

- **Trash Receptacle:** The application does not show any exterior trash receptacles. If exterior trash collection becomes necessary the facilities will need to comply with Ch. 1250.07.
- **General:** The applicant shall submit and obtain City of Perrysburg approvals for all site/civil construction plans and hold a preconstruction meeting prior to the issuance of a zoning permit. A zoning permit is required prior to the issuance of a building permit by Wood County Building Inspection.

Special Approval Use

~~This Special Approval Use request should only be considered if it is determined that the most appropriate land use category for this use is “Community Recreation” rather than “Club, Lodge, Fraternal and Civic Assembly” as the latter use is not a permitted use with or without Special Approval.~~

Special Approval Uses generally require that two sets of criteria be met in order to grant approval. The first set of criteria is the “general conditions” of Ch. 1235.02(d) and the second set are the “specific conditions” of Ch. 1235.04(ff) “Private Outdoor Recreation Areas and Recreation Centers”. If the Planning Commission determines that “Community Recreation” is a more appropriate use category then a Special Approval Use can be considered per the following requirements:

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.

Specific Requirements

Private Outdoor Recreation Areas and Institutional Recreation Centers:

1. Any use requiring a structure shall have such structures so located on the site as not to be closer than fifty (50) feet from the lot line of any adjacent residential lot.
2. All ingress and egress to and from said site shall be directly on to an arterial or collector street.
 - *The access to this site is shown to be on what would be referred to as a "local road" not an "arterial" or "collector street."*
3. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the Planning Commission. Reasonable restrictions or requirements may be imposed so as to insure that contiguous residential areas will be adequately protected.

RECOMMENDATION

The Planning and Zoning Administrator has reviewed all of the provided information for the consideration of the preliminary site plan, final site plan and special approval use and is recommending two distinct recommendations:

Recommendation Option 1: Deny each of the three requests (preliminary, final and special approval use) based on items 1-8 below.

- ~~1. Land use conflict between Club, Lodge and Civic Assembly and Community Recreation use category.~~
2. Public sidewalks have not been included on the site plan.
- ~~3. The minimum required parking lot landscaping has not been achieved.~~
- ~~4. No landscape plan has been provided and as a result the minimum requirement for on-site landscaping is less than the required 10%.~~
5. No street tree plan has been provided.
6. The building materials proposed for this building have not been adequately described so no determination can be made as to their compliance with the code.
7. The Special Approval Use criteria requires that access is taken onto a collector or arterial street, not a local street.
8. Special Approval Uses are highly dependent upon achieving an approved Preliminary and Final site plan. Due to the recommendation to deny the application for both the preliminary and final site plan it is recommended that the Special Approval Use also be denied until an acceptable site plan is approved.

Recommendation Option 2: Approve the preliminary site plan only. Deny the request for final site plan and special approval use until the following items can be properly addressed:

1. Public sidewalks have not been included on the site plan.
- ~~2. The minimum required parking lot landscaping has not been achieved.~~
- ~~3. No landscape plan has been provided and as a result the minimum requirement for on-site landscaping is less than the required 10%.~~
4. No street tree plan has been provided.
5. The building materials proposed for this building have not been adequately described so no determination can be made as to their compliance with the code.
6. Special Approval Uses are highly dependent upon achieving an approved Preliminary and Final site plan. Due to the recommendation to deny the application for both the preliminary and final site plan it is recommended that the Special Approval Use also be denied until an acceptable site plan is approved.

Mr. Walters reviewed the above revised Staff Report. The red text is what was contained in the original Staff Report but has since been removed. He said that building one is on the north side and building two is on the south side. Jerry Abair said that the Boat Club has overcome numerous hurdles. He said that with regards to the sidewalks, they were not included because they would be from nowhere leading to nowhere. He said that they

are proposing sidewalks connecting their buildings but if the Commission also wants parallel sidewalks, they will put those in too. Regarding the trash receptacles, Mr. Abair said that the City garbage truck will fit down there and they use one regular garbage can and one recycling that they will tuck in the building. Mr. Abair said that regarding the road issue, it has been a local street and they want to continue like it has been for 80 years. Mr. Walters said that the sidewalk may make sense in this location because although there will be a 10' wide multi-use path, vehicles are relying on that to pull into parking spaces so pedestrians will have to vacate the path and can use the sidewalk. He noted that although trash may have been picked up previously, he believes that is because it was a city owned building. Mr. Abair said that they will have to hire a private company to pick it up. There was discussion regarding the location of the multi-use path, and Mayor Olmstead said that the orientation has not been determined. Mr. Hudson clarified that cars will drive on the multi-use path to get to the parking spaces. Mr. Walters said that under this configuration, that is correct. Kate McPherson, architect, said that they met with the Mayor, City Administrator and Tetra Tech the previous month and were told not to worry about the location of the multi-use path and just to show sidewalks coming out to the path. She said that Tetra Tech said maybe they will look at swinging the path closer to Building One. She added that if they want a parallel sidewalk, they will do that.

Mr. Wellstein disclosed that he is a Boat Club member, but he talked to the Law Director and he is certain that he can be impartial. He asked why the light, landscape and street tree plans were not included. Ms. McPherson said that they don't have the photometrics worked out yet, but they want low level lighting. She said that she would be happy to submit a street tree plan. She added that she did not know she had to provide building material percentages, but they have narrowed down the materials they are considering. Mr. Wellstein said that he was surprised the request was for Preliminary and Final Site Plan approval.

Mayor Olmstead asked Ms. Henderson if the Planning Commission has the authority to waive # 7 in Recommendation Option #1. Ms. Henderson said that they do not; it is more of a legislative action. Ms. McPherson said that the plan has been before the Board of Zoning Appeals and City Council and there was never any determination that there was an issue. Ms. Henderson said that the Special Approval Use was not considered at any previous meeting and this is the first time it has come before the Planning Commission. Ms. McPherson said they talked about public access with the variance request and there was not an over concern on the definition of the street. Mr. Walters said that the Board of Zoning Appeals criteria that was used is clearly different than the Planning Commission criteria. Ms. McPherson said if they thought there was an issue with access, they wouldn't have approved it. Mr. Walters asked who Ms. McPherson is referring to when she says they. Ms. McPherson replied the Board of Zoning Appeals and City Council. Mr. Walters stated that the Board of Zoning Appeals and City Council would not have known about the requirement.

Mr. Lorenz asked if the building will be open to the public or just for Boat Club members. Mr. Abair said just Boat Club members. They will rent it out, but the rental request must be through a Boat Club member. Mr. Lorenz said that he is concerned about doing a Final Site Plan review with so many outstanding comments.

There was discussion regarding the calculation of usable space in the building which determines the number of required parking spaces. According to the architect's calculations, six parking spaces are required since they were granted 50% relief on the number of parking spaces. Mr. Walters' calculations show that eleven parking spaces are required after the 50% relief. Mr. Walters acknowledged that there is a fundamental disagreement on what space is usable. Mr. Forquer asked about the number of handicapped spaces that would be required and asked if City Council has the authority to waive handicapped spots. Ms. Henderson said that is a valid concern. Ms. McPherson said that there is room to make two handicapped spots if needed. Mr. Forquer asked how much more usable space is in these two buildings compared with what they had before. Ms. McPherson said that she does not know. Mr. Abair said that it is pretty close except these buildings are much more usable. Mr. Forquer said that a core concern he has with this project is that it is dependent on public parking. Mr. Abair said there are plenty of spaces for them to park, it's just not necessarily convenient. Mr. Carry said that he does not think the handicapped spots can be grass pavers. He said that he does not agree on the usable space and asked about drainage calculations. Mr. Wellstein asked about the definition of a local, collector and arterial street. Mr. Walters said that it is based on the amount of traffic they are designed to hold.

Ms. McPherson asked that the Commission focus on the Preliminary Site Plan and Special Approval Use. She said that they would come back with other information for the Final Site Plan. Mayor Olmstead asked if the Commission has the authority to vote on this. Ms. Henderson said there is no issue voting on the Preliminary Site Plan and for the Special Approval Use, they need to go through and see if the general and specific requirements are met as set forth. Becky Williams stated that it was implied that City Council reviewed the Special Approval Use criteria, but City Council only reviewed and approved the appeal from the Board Zoning Appeals decision.

Mr. Carry moved to approve the Preliminary Site Plan for the Perrysburg Boat Club on the north side of Water Street. Seconded by Mr. Wellstein. Ayes: Hudson, Nicely, Wellstein (3). Nays: Carry, Forquer, Lorenz, and Olmstead (4).

Mr. Carry moved to approve the Special Approval Use for the Perrysburg Boat Club. Seconded by Mr. Hudson. Ayes: (0). Nays: (7).

Mr. Carry said the reasons for the denial are #1 and #3 of the general requirements: (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; (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 and #2 of the Specific Requirements: (2) All ingress and egress to and from said site shall be directly on to an arterial or collector street. The access to this site is shown to be on what would be referred to as a “local road” not an “arterial” or “collector street.”

**Preliminary & Final Site Plan Review
Perrysburg Boat Club – Building 2
South Side of Water Street**

APPLICANT

Jerry Abair
202 E. Harrison St.
Maumee, OH 43537

Kate MacPherson
617 Adams Street
Toledo, OH 43604

REQUEST

Chapter 1260.05 – Preliminary Site Plan Review
Chapter 1260.08 – Final Site Plan Review
Chapter 1250 – Site Design Standards
Chapter 1235 – Special Approval Use – Private Outdoor Recreation Area

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located north of Front Street, along the south side of the existing Water Street. The project site south of Water Street is approximately 0.22 acres in size and is zoned “C1” Neighborhood Commercial.

Parcels: Q61-000-901206005001 and Q61-000-901206004001

BACKGROUND

The Perrysburg Boat Club was a tenant in a city owned building for many years and in January of 2016 the building occupied by the Boat Club was razed due to structural and practical concerns. The loss of this tenant space has prompted the Boat Club to explore options of constructing a new facility on adjacent land which they have acquired. The request for consideration of a preliminary and final site plan approval is a unique and challenging request due to many factors that will be outlined in this report.

The Boat Club has made several trips to the Board of Zoning Appeals to seek relief for this project. The schedule below is intended to be a summary of past events as well as a description of the outcome.

June 13, 2016 – Boat Club seeks an administrative appeal from the interpretation to classify B2 as an accessory building to B1. The Boat Club also seeks a parking reduction for the B2 property.

July 11, 2016 – Boat Club seeks a variance for setback relief on the south building (B2).

After receiving relief from the BZA and City Council the new baseline standards for site plan consideration are as follows:

6. The Boat Club was granted building B2 as a separate main building rather than an accessory building.
7. The Boat Club was provided a variance for 50% of the required parking on the south property, B-2 project.
8. The B-2 building was permitted to have a 15' setback from Water Street rather than the normally required 30' setback.

These areas of relief will be highlighted throughout the report as necessary. All other development standards in Ch. 1250 are unchanged for this project.

This project is also situated in the Perrysburg Historic District and will require review and approval by the Historic Landmarks Commission prior to approval of the final site plan and the issuance of a zoning permit.

ANALYSIS

Preliminary Site Plan

- **Recommended Land Use:** ~~“Club, Lodges, Fraternal and Civic Assembly”~~

~~**Definition:** Club, Lodges, Fraternal and Civic Assembly: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not for profit. Meetings and activities primarily conducted for members of such groups. Excludes group living and transient habitation uses.~~

~~The “Club, Lodge, Fraternal and Civic Assembly” use is not permitted in “C1” Neighborhood Commercial.~~

~~**The Boat Club has cited the classification of “Community Recreation” rather than the recommended category of “Club, Lodges, Fraternal and Civic Assembly.”**~~

Definition of Community Recreation: Recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings.

A. Active Recreation: Areas used or designed for participant-oriented, group sports and recreation activities, including spectator areas associated with such facilities. Typical uses include:

1. Recreational facilities of an active nature, such as athletic fields, play grounds and children's play apparatus areas, court games, swimming pools, miniature golf courses, golf courses, and driving ranges;
2. Public and community recreation buildings, including enclosed and semi-enclosed buildings providing public assembly and activity areas, such as gymnasiums, meeting rooms, game rooms, arts and crafts, dancing and dining, and fitness centers;
3. Band shells and outdoor theaters;
4. Campgrounds; and
5. Facilities incidental to the operation of public recreational uses, such as refreshments stands, small concessionaire shops dispensing sporting goods, miniature golf and similar uses accessory to public recreational uses.

B. Passive Recreation: Areas used or designed for individual sports and recreation uses of a passive nature. Typical uses include golf courses (golf course club houses are considered an "active recreation" use); hiking, bicycle and equestrian trails; greens and commons; sitting areas; picnic areas; botanical gardens; arboretums; conservatories; and natural wildlife or plant habitat areas.

C. Marinas: Any public or private facilities used for mooring, berthing, or securing, recreational boats. Typical uses include yacht clubs and public boat docks.

~~The use of C-1 Neighborhood Commercial-zoned property for a club, lodge or place of fraternal assembly is not a permitted use. If the use is determined to be "Community Recreation" this use could be permitted if a Special Approval Use is granted.~~

- **"C1" Park Setbacks:** Front: 30 ft. (Now 15')
Min. Side: 15 ft.
Rear: 25 ft.
Max. Height: 35'

With the relief provided by the BZA and City Council, the project does meet the new baseline dimensional standards that govern this site with the exception of lot coverage.

- **Lot Coverage:** The maximum lot coverage percentage for this project site is 20%. No calculation has been provided as part of this report but a basic calculation done by dividing the total square footage of the property by the gross square footage of the building indicates that the coverage of this property is approximately 21.39%, which is in excess of the code requirement.

Calculation: .22 acres = 9,583 feet

GSF of building (2,050) / lot size (9,583) = 21.39%

- **Adjacent Zoning/Uses:**

North – “P” Park zoning (proposed site of Boat Club building B-1)

East – “C1” Neighborhood Commercial zoning

South – “C1” Neighborhood Commercial zoning

West – “C1” Neighborhood Commercial zoning

- **Site Layout:** The site plan identifies building B-2 oriented in an east-west direction on the subject properties. Due to topographic conditions the building is shown to be tucked into the hillside and would utilize retaining walls. Six parking spaces are shown between the building and the Water Street right-of-way.
- **Roads and Access:** The project site is accessible by Water Street. It is important to note that Water Street is not an improved roadway. Water Street currently exists as a dedicated right-of-way which consists of some paving and gravel. A Traffic Impact Study has not been requested for this project due to low volume of expected traffic at this location and the fact that the site only proposes six parking spaces and there are existing plans to convert the existing gravel path within the Water Street right-of-way into a 10' wide asphalt multi-use path. Since a 50% variance for parking was granted, any additional required parking beyond those required by the zoning code will need to be found elsewhere in the area. Public parking cannot be used to satisfy the quantity requirements for off-street parking.

Final Site Plan

- **Parking:** Typically this use would require 21 parking spaces based on the calculation of 1 space for each 75 SF of usable floor area. The GSF of B-2 is 2,050 SF making 1,537.5 SF of that building usable (75%). Due to an approved variance

only 50% of the required 21 parking spaces is required for this project site. This application is deficient in terms of parking due to only providing 6 of the required 11 parking spaces. The building square footage calculations have been incorrectly calculated within the documents supplied with this application. The “usable” square footages for this application have been substantially reduced by excluding “rooms 209-210” and by inflating the deduction for the “hallway” square footage. Per Ch. 1215.02(81) usable floor area is essentially calculated by starting with the gross square footage and subtracting the square footage of rooms that are principally used for storage, hallways, utility areas (i.e. HVAC rooms, etc.) and restrooms. Due to the level of detail in these plans there is no choice but to calculate usable square footage as 75% of the gross square footage.

- **Sidewalks:** Public sidewalks are not shown as part of this application. The only sidewalks present in the application are running perpendicular to the right-of-way rather than parallel and are intended to connect the Boat Club’s B1 and B2 together. These sidewalks are not intended to be public sidewalks.
- **Driveway:** The maximum width of commercial driveways is 35’ wide. The driveway opening as proposed is in excess of 68’ wide.
- **Landscape Islands:** Based on the number of required parking spaces, this site should include 1 landscape island to be in compliance with the code. The applicants have only included 6 parking spaces and therefore no landscape island is shown on the proposed plan.
- **Parking Lot Landscape:** Parking lot landscape is required to meet or exceed 6% of the area of the parking lot. Landscaping within and immediately adjacent to the parking lot can count towards this percentage but any adjacent landscape used in this calculation cannot also be used towards the calculation of the site landscaping. No parking lot landscape calculations have been provided so there is no way to determine if this requirement is being met or not.
- **Site Landscaping:** No landscape plan has been provided. Per Ch. 1230.01 Intensity & Dimensional Standards at least 10% of the site must be landscaped. The only landscape that is referenced is a total of 10 shrubs (5 on each side of the parking area). Also indicated is the removal of 16 trees.
- **Street Tree Plan:** No Street tree plan has been provided as part of this application. Review and approval of the street tree plan is required prior to the issuance of a zoning permit.

- **Signage:** No signage is shown within this application. Signage will be reviewed at the time a sign permit application is made to the Planning and Zoning Division and will require review and approval by the Historic Landmarks Commissions.
- **Lighting:** No lighting is indicated on the plan.
- **Building Materials:** The applicant has not provided a building material percentage calculation. Sheet A200 does not provide a clear understanding of the materials to be used on the building. There is mention of cast in place concrete, wood siding, wood shingles, and metal panels but no reference to which locations or percentages. As a note, Ch. 1250.48 does not permit the use of metal panels in “C1” zoning. All building materials will be required to meet the percentages indicated in the zoning code and will be subject to review and approval by the Historic Landmarks Commission.
- **Trash Receptacle:** The application shows two trash containers located inside a gated exterior space. Further questions should be asked of the applicant to better understand the logistics of trash collection at this location. It will be difficult if not impossible for a traditional garbage truck to collect trash from this location. The code requirements for trash receptacles are located in Ch. 1250.07.
- **General:** The applicant shall submit and obtain City of Perrysburg approvals for all site/civil construction plans and hold a preconstruction meeting prior to the issuance of a zoning permit. A zoning permit is required prior to Wood County issuing a building permit. As part of this review the city will review all utility connections, water quality and water quantity features for this project.
- **Other:**

Special Approval Use

~~This Special Approval Use request should only be considered if it is determined that the most appropriate land use category for this use is “Community Recreation” rather than “Club, Lodge, Fraternal and Civic Assembly” as the latter use is not a permitted use with or without Special Approval.~~

Special Approval Uses generally require that two sets of criteria be met in order to grant approval. The first set of criteria is the “general conditions” of Ch. 1235.02(d) and the second set are the “specific conditions” of Ch. 1235.04(ff) “Private Outdoor Recreation Areas and Recreation Centers”. If the Planning Commission determines that “Community Recreation” is a more appropriate use category then a Special Approval Use can be considered per the following requirements:

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.

Specific Requirements

Ch. 1235.04(ff)

Private Outdoor Recreation Areas and Institutional Recreation Centers:

1. Any use requiring a structure shall have such structures so located on the site as not to be closer than fifty (50) feet from the lot line of any adjacent residential lot.
2. All ingress and egress to and from said site shall be directly on to an arterial or collector street.
 - *The access to this site is shown to be on what would be referred to as a "local road" not an "arterial" or "collector street."*

3. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the Planning Commission. Reasonable restrictions or requirements may be imposed so as to insure that contiguous residential areas will be adequately protected.

RECOMMENDATION

The Planning and Zoning Administrator has reviewed all of the provided information for the consideration of the preliminary site plan, final site plan and special approval use and is recommending that these three requests be disapproved for the following reasons:

- ~~1. Land use conflict between Club, Lodge and Civic Assembly and Community Recreation use category.~~
2. The permitted lot coverage of this site has exceeded the allowable percentage. 20% is permitted while this project covers 21.39%.
3. The applicant has not provided the minimum necessary parking spots for the size of the building.
4. Public sidewalks have not been included on the site plan.
5. The maximum width of driveways has been significantly exceeded. 35' wide is the maximum and the application shows a driveway in excess of 68' wide.
6. The required landscape island in the parking lot has not been included.
7. The minimum required parking lot landscaping has not been achieved.
8. No landscape plan has been provided and as a result the minimum requirement for on-site landscaping is less than the required 10%.
9. No street tree plan has been provided.
10. The building materials proposed for this building have not been adequately described so no determination can be made as to their compliance with the code.
11. Trash enclosures are inconsistent with Ch. 1250.57 and require additional information on the serviceability of the proposed arrangement.
12. Access for the site is not onto a collector or arterial street.
13. Special Approval Uses are highly dependent upon achieving an approved Preliminary and Final site plan. Due to the recommendation to deny the application for both the preliminary and final site plan it is recommended that the Special Approval Use also be denied until an acceptable site plan is approved.

Mr. Walters reviewed the above Staff Report as revised. Ms. Dye said the only issue for the Preliminary Site Plan is lot coverage. She explained her calculations that show coverage is at 19.86% which is less than the 20% maximum. Mr. Walters said that he used the acreage from the Wood County Auditor's website because no legal description that listed the square footage has been provided. He said lacking that, he can neither confirm nor deny their calculation. Ms. McPherson said that he does not need the legal

description. With regards to the sidewalk, Ms. McPherson said that they will provide sidewalks dependent on the design of the multi-use path. She said that regarding the driveway, it is the only way to access the parking spaces and she referred to Section 1022.15 of the Code. Mr. Walters said that section is not in the Planning and Zoning Code and he is not sure that he entirely agrees with her interpretation of it.

Mr. Carry moved to approve the Preliminary Site Plan for the Perrysburg Boat Club – Building 2. Seconded by Mr. Forquer. Ayes: Hudson, Nicely, Wellstein (3). Nays: Carry, Forquer, Lorenz and Olmstead (4).

Mr. Carry moved to approve the Special Approval Use for the Perrysburg Boat Club. Seconded by Mr. Forquer. Ayes: (0). Nays: (7).

Mr. Carry said that the reasons for the denial are #1, #3, and #6 of the General Requirements: (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, (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, (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 and #2 of the Specific Requirements: (2) All ingress and egress to and from said site shall be directly on to an arterial or collector street. The access to this site is shown to be on what would be referred to as a “local road” not an “arterial” or “collector street.”

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

Respectfully submitted,

Mary Jo Sutton