PLANNING COMMISSION

JANUARY 25, 2018

The meeting was called to order at 7:00 p.m. by Chris Carry. Commission members present were Chris Carry, Seth Hudson, Andy Lorenz, Craig Pickerel, and John Wellstein (5). Mayor Mackin and Eric Nicely were absent (2). Also present were Karlene Henderson, Law Director, and Brody Walters, Planning and Zoning Administrator.

Election of Chairman and Vice-Chairman

Mr. Wellstein nominated Mr. Carry to be Chairman. Seconded by Mr. Hudson. Ayes: (5). Nays: (0).

Mr. Carry nominated Mr. Nicely to be Vice-Chairman. Seconded by Mr. Hudson. Ayes: (5). Nays: (0).

Approval of Minutes

Mr. Hudson moved to approve the minutes of the December 14, 2017 meeting. Seconded by Mr. Carry. Ayes: (5). Nays: (0).

Administrator's Report

Mr. Walters said that Kyle Brodie, the owner of 840 W. Boundary Street said that Tranquil Touch Massage is no longer pursuing the Special Approval Use for that site. However, Mr. Walters said that he did not hear that from the applicant so if the applicant is not present, he would recommend tabling the issue.

Special Approval Use - Gym & Fitness Facility
Fort Meigs CrossFit, Inc.
26963 Eckel Road

APPLICANT/OWNER/DEVELOPER
Susan Rees
26963 Eckel Road, Suite 201
Perrysburg, OH 43551

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

PROPERTY LOCATION & DESCRIPTION

Location: The subject property is located on the west side of Eckel Road immediately south of the railroad tracks. The closest landmark to this site is Welded Construction, Inc. which is located to the north of the railroad tracks.

Property Size: approximately 2 acres
Parcel: Q61-400-070302002000
Zoning: I2 – General Industrial

BACKGROUND
On November 1, 2016, City Council approved code amendments that allowed for gym and fitness facilities to be established in commercially zoned districts and planned business parks. It also further defined gyms/fitness facilities and commercial recreation uses. These definitions were written to establish a more intense use of the property or buildings within commercial recreational use and fitness facilities. Susan Rees, of Ft. Meigs CrossFit, recently opened her business in an I-2 (General Industrial) district. Prior to the changes made last year, this would have allowed for the applicant to apply through the special approval use process. The previous code amendment, upon separating gyms or fitness facilities from commercial recreation completely prohibited both commercial recreation, gyms, and fitness facilities from I-2 zoning districts.

On September 28, 2017, Susan Rees proposed a code amendment that would allow a gym/fitness facility to be permitted by right on an I-2 zoned property. This proposal was ultimately modified to permit a gym/fitness facility to be located on an I-2 zoned property with a special approval use (SAU), subject to only the general SAU requirements.

ANALYSIS
This particular Special Approval Use does not provide "specific conditions" for approval so this application will only be subject to the "general conditions" for special approval uses which are as follows:

SPECIAL APPROVAL USE

General Requirements

Ch.1235.02(d)

1. The establishment, maintenance or operation of the special approval use will not be detrimental to or endanger the public health, safety, or general welfare or the natural environment.
2. The special approval use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor shall it substantially diminish and impair property values within its neighborhood.
3. The establishment of the special approval use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special approval use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this Chapter.

RECOMMENDATION
The Planning and Zoning Administrator has reviewed the application for Special Approval Use for Fort Meigs CrossFit, Inc. located at 26963 Eckel Road. It has been found that the applicant has met the necessary requirements to be granted a special approval use for a gym/fitness facility at this location and it is recommended that the Planning Commission approve the application.

Mr. Walters reviewed the above Staff Report. Susan Rees, the applicant, was in attendance and said that she had no comments about the Staff Report. Mr. Pickerel asked if all activities are inside. Ms. Rees said that they are inside unless they meet and go for a run outside. Mr. Carry moved to approve the Special Approval Use for Fort Meigs CrossFit as presented. Seconded by Mr. Lorenz. Ayes: (5). Nays: (0).

Special Approval Use – Gym & Fitness Facility
Orange Theory Fitness
3190 Chappel Drive

APPLICANT/OWNER/DEVELOPER
Jole Harmon
6672 E. Cactus Wren Rd.
Paradise Valley, AZ 85253

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

PROPERTY LOCATION & DESCRIPTION
Location: The subject property is located within Levis Commons on Chappel Drive (between Bostwick and Levis Commons Blvd.). The closest prominent landmark to this site is Poco Piatti restaurant.

Property Size: unknown
Parcel: Q61-400-180007010004
Zoning: PBP – Planned Business Park

BACKGROUND

As explained by the applicant, Orange Theory Fitness is a boutique style gym. It is a combination of cardio and strength training. Orange Theory Fitness is an efficient one hour work out that evolves around the various heart rate zones. They currently have 11 employees and occupy 3,300 SF of a multi-tenant building. The plan is to offer 8 classes per day with an average of 18 members per class.

The applicant took over this site franchise from a previous owner and unknowingly completed the build out of the space without obtaining the necessary special approval use. The current business is in operation but no certificate of occupancy or sign permit has been issued by the Planning and Zoning Division. The enforcement of the occupancy permit has been on hold pending the outcome of this application.

ANALYSIS

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

SPECIAL APPROVAL USE

General Requirements

Ch.1235.02(d)

3. 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.
4. 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.
7. 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.
8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
9. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
10. The special approval use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this Chapter.

RECOMMENDATION

The Planning and Zoning Administrator has reviewed the application for Special Approval Use for Orange Theory Fitness located at 3190 Chappel Drive. It has been found that the applicant has met the necessary requirements to be granted a special approval use for a

gym/fitness facility at this location and it is recommended that the Planning Commission approve the application.

Mr. Walters reviewed the above Staff Report. Jole Harmon, the applicant, was present along with her attorney, Gene Abercrombie of Eastman & Smith, and builder Brian Gruber of Ridge Stone Builders. She provided photographs of her business. She said that this location is one of four locations she owns. The others are located in Toledo, Bexley, Ohio, and Dublin, Ohio. Ms. Harmon said there are 365 members and she expects that number to double in the next couple of years. Mr. Hudson asked if this business is on the third floor. Ms. Harmon said that it is located on the first floor. Mr. Pickerel asked when they began the build-out, and Mr. Gruber said in October. Mr. Pickerel asked if they obtained the necessary permits from Wood County, and Mr. Gruber said that they did. Mr. Hudson moved to approve the Special Approval use for Orange Theory Fitness as presented. Seconded by Mr. Carry. Ayes: (5). Nays: (0).

Special Approval Use – Massage Establishment
Tranquil Touch Massage
840 W. Boundary St. (Brodie Optometry Plaza)

This item was tabled.

Special Approval Use – Rooming House
Wood Lane Residential Properties
1401 Louisiana Avenue

APPLICANT/OWNER/DEVELOPER
Jessica Blakely, CEO
545 Pearl St.
Bowling Green, OH

REQUEST
Chapter 1235.02(d) – SAU – Standards
Chapter 1235.04(nn.a) Rooming House

PROPERTY LOCATION & DESCRIPTION
Location: The subject property is located on the east side of Louisiana Avenue at the point where SR199 and Eckel Junction meet at the newly signalized intersection. The closest prominent landmark to this site is Frank Elementary School (located to the northwest).

Property Size: approximately .65 acres (28,314 SF)
Parcel: Q61-400-080402049000
Zoning: R3 – Single-Family Residential

BACKGROUND

As explained by the applicant, the purpose of this home is to serve as a residential environment for up to 4 individuals with developmental disabilities. Each individual has their own room and receives home and community based services through a certified provider. Wood Lane plans to be the landlord of the property and would be responsible for the maintenance and upkeep of the proposed home and lot. This property along with the one immediately to the south have been undeveloped. Wood Lane eventually intends to construct one home on each of these lots for the same purposes.

ANALYSIS

Special Approval Uses generally require that two sets of criteria be met in order to grant approval. The first set of requirements is what is referred to as the "general conditions" and the second set is referred to as the "specific conditions".

SPECIAL APPROVAL USE

General Requirements

Ch.1235.02(d)

5. 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.
6. 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.
11. 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.
12. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.
13. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
14. 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(nn.a) Rooming House

1. Such dwellings shall meet all applicable codes and ordinances of the City, County and State.
2. Floor plans drawn to scale of all floors to be utilized for bed and living activities shall be submitted to the City.

3. Dwellings shall be suitable in character for the use proposed and shall not be cause for a change in the character of the neighborhood.
4. There shall be no separate cooking facilities provided for the occupants. Meals, other than those served as part of the normal operation of the household, shall be served only to occupants of the facility.
5. Occupancy shall be of a transient nature. A registry indicating name, phone number and vehicle license number, shall be kept and shall be available to the City for inspection upon request.
6. Off-street parking shall be provided based upon one (1) space for each rental room. It is the City's intent not to encourage yards to be destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking. In those instances where parking requirements cannot be met, the applicant may request special consideration from the City. In such case, the applicant shall submit an analysis of parking required and parking provided within a three hundred (300) foot radius of the subject parcel.
7. After analyzing the data, the City may lower the number of the required parking spaces based on the fact that sufficient on/off-street parking exists in the neighborhood.

RECOMMENDATION

The Planning and Zoning Administrator has reviewed the application for Special Approval Use for the Wood Lane Residential Properties "rooming house" located at 1401 Louisiana Avenue. It has been found that the applicant has met the necessary requirements to be granted a special approval use. The applicant has provided four sided elevations for the proposed structure and it is visually compatible with the general area. It is recommended to approve this application as submitted but it should be noted that the shared driveway arrangement that is proposed is not permitted by code. This minor detail does not affect this request but will require a change prior to permitting.

Mr. Walters reviewed the above Staff Report. He said that the applicant has changed the driveway since the report was issued and it is now compliant. Brent Baer, Superintendent of the Wood County Board of Developmental Disabilities, was present on behalf of the applicant. Mr. Baer explained their program and said that one of the goals is to keep individuals close to the homes their families reside in, and it is important to be in the city because it is close to amenities and public transit. Mr. Baer said that their Home Based Community Service Program helps to keep rent down by housing four individuals in one home. Mr. Lorenz asked how many of these homes are in Perrysburg. Mr. Baer said that there are currently two or three but they have several individuals in Perrysburg Schools that will be graduating soon. He said that they have thirty group homes in Bowling Green and still need more. Mr. Baer said they serve a little over one thousand individuals and 51% of those individuals are under the age of 21. He said that at age 22, his organization becomes the primary service provider for these individuals. Mr. Lorenz asked what is separating the driveways, and Mr. Baer said it is grass. Mr. Hudson asked if the traffic

signal that was recently installed will tie in with this. Mr. Walters said that it is a four way light and it will.

Roy Virost, 177 Foxhill Lane, asked if the occupants will have cars. Mr. Baer said they will not, only the staff will have cars. Mr. Virost asked the square footage of the homes, and Mr. Baer said they are 2,600 square feet. Mr. Virost asked the level of disability of the occupants. Mr. Baer said they all qualify for their services, but they have not determined who specifically will live there. He added that they will always have staff with them.

Bob Heilman, 1301 Louisiana Avenue, asked if there would just be two homes built. Mr. Baer said yes, there would be one home on each lot.

The resident of 1491 Louisiana Avenue had questions regarding the sewer system because he said that he tried to purchase these lots ten years ago and was told by the City that he could only build one house because it is a 6" line. Mr. Walters said that it was the common belief for many years that the line was undersized, however recently the Department of Public Utilities and City Engineer's office reevaluated the criteria and determined that the 6" line could service these two homes. The resident also expressed concern that he would not be able to access his driveway once these homes are built. Mr. Walters explained that there is an access easement to allow the property owner to access his property. Mr. Baer said that he is aware of the easement and has no problems with it. The resident at 1491 Louisiana Avenue also expressed concerns about snow plowing and traffic coming across Eckel Junction at the light thinking they can drive through. Mr. Walters said that he will relay these concerns to the proper division, and he added that he heard the City will be installing signage to inform drivers that the driveway is not a through street.

Greg Mintz, 183 Foxhill, said that the sewer line does need to be snaked fairly often, and he asked if the electrical service will have to come across SR199 to service these homes. Mr. Walters said that the electrical service does not involve the City, it is a third party utility. Mr. Baer said that their plans have been reviewed by engineers and Toledo Edison before they came to the City, and some issues have been addressed in the plans.

Mr. Wellstein moved to approve the Special Approval Use for Wood Lane Residential Properties subject to the comments and recommendations in the Planning and Zoning Administrator's Staff Report. Seconded by Mr. Carry. Ayes: (5). Nays: (0).

Other Business

The commission discussed Wright Tire and Auto which had been tabled at a previous meeting. Mr. Walters said that the facility stores autos that have been involved in accidents. The applicant says that is more of an auto transfer, short term facility. The Planning and Zoning office has documented through pictures several cars that have been stored outside at the facility in November, December and January although it was alluded to at past meetings that the cars would be there short term. Mr. Walters said that the

Commission can either use the existing land uses on the books for Wright Tire and Auto, or they can review how the property is being used and create a new classification. If they choose a new classification it will have to be determined whether this use will be permitted by right (P), not permitted or be a Special Approval Use (SAU) and any conditions or criteria for the Special Approval Use. Mr. Carry said that he remembers the applicant saying the cars would be there seven to ten days and the photos clearly show four or five of the same cars on November 20, December 7, and January 18. Matthew Moon, owner of Wright Tire and Auto, said that those cars are there because they did not have full coverage insurance and he has to go through the process to dispose of them. He added that if someone gets a DUI, the court can put a hold on a vehicle and it can sit there for six months. Mr. Hudson asked if this business could qualify as a self-storage facility. Mr. Carry said that the definition of auto and salvage specifically says storage of wrecked vehicles. Mr. Moon said there is the same kind of business right down the street. Mr. Carry asked Mr. Walters if VJ's Towing is a legal non-conforming business. Mr. Walters said that he would have to check the zoning, but he is relatively certain that is the case. Mr. Carry asked Mr. Walters what the Commission is being asked to do. Mr. Walters said that they need to decide what the business is and whether it is allowed in the zoning district in which they are located. Mr. Carry said that this is a unique situation and he would be willing to create a new category. Ms. Henderson said that she does not think that would be inappropriate. Mr. Wellstein moved to table this issue. Seconded by Mr. Hudson. Ayes: (5). Nays: (0).

There being no further business, the meeting adjourned at 8:24 p.m.

Respectfully submitted,

Mary Jo Sutton