

PLANNING COMMISSION MEETING

February 29, 2024

The meeting was called to order at 7:01 p.m. by Chairman Rob Vela. Commission members present were Greg Bade, Mathew Beredo, Andy Lorenz, Mayor Mackin, Rob Vela, Becky Williams, and Megan Wolfinger (7). Also present were Brody Walters, Planning & Zoning Administrator, and Mark Easterling, Planning & Zoning Deputy Administrator.

APPROVAL OF MINUTES

Mr. Vela moved to approve the January 25, 2024 meeting minutes as written. Seconded by Ms. Williams, and the minutes were unanimously approved (7-0).

ADMINISTRATOR'S REPORT

Mr. Walters noted that he has received three (3) additional documents for Agenda items tonight.

Preliminary & Final Site Plan LyondellBasell 12600 Eckel Road

Project Name: LyondellBasell (formerly Bulk Molding Compounds, Inc.) - Preliminary & Final Site Plan for the addition of thermal oxidizer equipment

Location: 12600 Eckel Road

Zoning: I2 – General Industrial

Applicant(s): Sam Tawney (ICC, Inc.) for LyondellBasell and David Haselbauer – ICC, Inc.

Land Use: Manufacturing

Parcel(s): Q61-400-670402011000, Q61-400-670402012000, Q61-400-670402013000 and Q61-400-670402015000

Request: The applicant is requesting a Preliminary and Final Site Plan review for the addition of air emission control equipment. Parking lot and site modifications as needed for zoning compliance.

PRELIMINARY SITE PLAN

Applications shall require the following items:

- 1) 12 copies of Submission Application
- 2) 12 copies of Preliminary Site Plan at a scale of not less than 1:100
- 3) Preliminary Site Plan must include or identify -
 - a. Project description
 - b. Survey including property dimensions
 - c. North arrow

- d. A scaled plan showing the location of all existing and proposed buildings/structures
- e. Topography at two-foot intervals
- f. Significant vegetation
- g. Watercourses, bodies of water, detention/retention facilities
- h. Rights of Way
- i. Easements
- j. Setbacks
- k. Existing and Proposed Uses
- l. Name and address of firm preparing the plans
- m. Impact Assessment (if specifically asked for)

FINAL SITE PLAN

Applications shall require the following items:

- 1) 12 copies of Submission Application
- 2) 12 copies of Final Site Plan at a scale of not less than 1:100
- 3) In addition to the items required for a Preliminary Site Plan Submission, Final Site Plan

Applications must also include or identify -

- a. Project description
- b. Building elevations
- c. Landscape Plan
- d. Street Tree Plan
- e. Sidewalks
- f. Drive widths
- g. Parking Spaces (size and quantity)
- h. Vicinity sketch showing location of the site to surrounding street system
- i. Location of utilities
- j. Trash receptacle details
- k. Lighting details

PRELIMINARY & FINAL SITE PLAN CHECKLIST

Land Use		Permitted	Special Approval	Not Permitted
1225.08	Land Use Type	x		
Dimensional		Compliant	Non-Compliant	Not Applicable
1230	Front Setback	x		
1230	Side Setback	x		
1230	Rear Setback	x		
1230	Lot Coverage	x		
1230	Height	x		
1230.03(a)	Height Variance from BZA			x
1230.03(b)	Features above max height (exemptions)			x
Parking		Compliant	Non-Compliant	Not Applicable
1250.02(t)	Parking Lot Location	x		
1250.02(r)	Parking Relief			x
1250.03	Parking Quantity	x		
1250.05(b)	Parking lot design/layout	x		
1250.05(c)	Wheel Stops			x
1250.05(f)	Location of Driveways	x		
1250.06(a)(5)	Parking Lot Screening (near residential)	x		

1250.06(a)(7)	Parking Lot Surface Material	x		
1250.06(b)	Parking Space Sizes	x		
Landscape		Compliant	Non-Compliant	Not Applicable
1250.11	Planting Plan	x		
1250.11(a)(1)	Landscape Architect (stamp/sign)		x	
1250.11(a)(3)	Planting Schedule	x		
1250.13(g)	Tree size (8' height, 2 ½" caliper min)	x		
1230	Minimum Landscape Percentage of parcel		x	
1250.18(a)	Min. Landscape Percentage of Parking Lot (6%)		x	
1250.17(b)	Parking Lot landscape primarily shade trees	x		
1250.17(c)	Planting areas dispersed through parking lot	x		
1250.19(b)	5' landscape strip between parking lot and P/L			x
1250.19(c)	1 tree for each 8 parking spaces	x		
1250.19(d)	Landscape island = 1 per ea. 10 parking spaces	x		
1250.19(d)	Shade trees located in islands	x		
1250.20	10' landscape strip between R/W and parking			x
1250.20(d)	Hedge within 10' landscape (min 1.5' height)			x
1250.27	Berms/Earth Mounds (if required)			x
1250.42	Fence/Screen Requirement (height & location)			x
1250.43	Lighting (height & direction)			x
Building Design		Compliant	Non-Compliant	Not Applicable
1250.44	Screening of Rooftop Mechanicals	x		
1250.48	Building Material (allowable percentages)	x		
1250.481(a)	Customer entrance facing each street frontage	x		
1250.481(b)	Recesses/projections if > 100' in length	x		
1250.481(d)	Façade to have color/texture/material change	x		
1250.481(e)	Rooflines to change at least every 100'		x	
1250.481(f)	Façade colors – low reflectance and neutral	x		
1250.481(g)	Building trim to be non-illuminated	x		
Drives & Access		Compliant	Non-Compliant	Not Applicable
1250.51(a)	Driveway access onto public or private street	x		
1250.51(a)(2)	Drives enter perpendicular	x		
1250.51(a)(3)	Driveway grade less than 10%	x		
1250.51(a)(6)	Driveway – at least 100' from an intersection	x		
1250.51(a)(6)	Driveway – at least 80' from other driveways	x		
1250.51(c)	Driveway – alignment with existing drives	x		
1250.53	Deceleration Lanes if use > 1,000 trips per day			x
Sidewalks		Compliant	Non-Compliant	Not Applicable
1250.56(a)	Sidewalks across all frontages		x	
1250.56(a)	Sidewalks from R/W to entrance		x	
1250.56(a)	Sidewalk material through drive aisles		x	
Dumpster		Compliant	Non-Compliant	Not Applicable
1250.57	Waste Receptacle - Location	x		
1250.57	Waste Receptacles to be consolidated		x	
1250.57	Waste Receptacle – design/materials		x	
Acc. Buildings		Compliant	Non-Compliant	Not Applicable

1250.61(a)	Accessory Building – Location (rear yard)			x
1250.61(b)	Accessory Building – $\geq 5'$ from side or rear P/L			x
1250.61(b)	Accessory Building – $\geq 10'$ from main structure			x
1250.61(d)	Acc. Building – Height (20' or main structure)			x
1250.61(f)	Accessory Building – Size Limit (5% of lot size)			x
Traffic Study		Compliant	Non-Compliant	Not Applicable
1255.04	Traffic Study – if more than 100 trips/peak Hr.			x
1255.04	Traffic Study – if more than 750 trips per day			x
Miscellaneous		Compliant	Non-Compliant	Not Applicable
1260.15(a)(1)	Plan doesn't impede normal development	x		
1260.15(a)(2)	Existing landscape preserved (as possible)	x		
1260.15(a)(5)	Emergency vehicle access to structures	x		
1250.26	Wall Location (if required)			x

ANALYSIS:

The applicant(s) have provided a very thorough site plan analysis report to accompany their application. This report coincides exactly with the above site plan checklist and provides the applicant's perspective and highlights their effort in addressing each requirement.

NOTES:

1. While a very thoughtful and complete planting plan appears to have been provided, there is no evidence of the author being a registered landscape architect.
2. Due to the information provided and the lack of a provided calculation by a landscape architect the exact percentage of landscape coverage of the site was unable to be determined. The applicant has incorrectly included turf grass areas in the 75% landscape coverage estimate that was provided. The same issue is present in the calculation of the parking lot landscape percentage.
3. The building exists and no changes to the building are proposed as part of this request, but it should be noted that the existing roofline exceeds 100' and does not offer variation in height like would be expected with a new building.
4. Due to the age of the site and its semi-recent annexation into the city from Perrysburg Township the site does not currently nor is it proposed as part of this request to have a sidewalk across its frontage. The applicant has, however, acknowledged that if sidewalks become present in the area, they would be willing to complete this work.
5. Due to the lack of sidewalks at this site they are also not present through the driveways or parking lot areas. The applicants have indicated that crosswalks would be painted through the parking lot area to serve visitors and employees using the existing parking lot.

6. Waste receptacles are shown in the northwest area of the site in 6 separate areas. While they may not be consolidated in the traditional sense there may be a logistical reason for their current placement. The waste is confined to the rear, northwest area of the building.
7. No details have been provided describing the enclosure and materials for the trash receptacles. Additional conversations should be had regarding this requirement.

RECOMMENDATION

The Planning & Zoning Administrator recommends conditional approval of the Preliminary & Final Site Plan for LyondellBassell at 12600 Eckel Road, subject to discussion with the applicant and adjacent owners regarding the issues and items identified in the report.

Mr. Walters reviewed the above Staff Report regarding the Preliminary & Final Site Plan LyondellBassell at 12600 Eckel Road. Jimmy Cook, LyondellBassell, Sam Tawney, ICC, Inc., were present on behalf of the request. They explained that the addition of the proposed thermal oxidizer equipment will increase the health and safety of the employees and the city. Mr. Tawney noted that LyondellBasell will continue to utilize the existing trash compactor on-site (reference Note #6) and added that they will need to install a four hundred (400) square foot concrete pad to install the oxidizer.

Rick Koehler, 562 South Ridge Drive, was present and noted that there has been an odor issue for the last fifteen years and a constant hum from the property at 12600 Eckel Road. Mr. Tawney confirmed that the new equipment will clean up the odor system and will result in the shutdown of one fan.

Mr. Cook noted that their property is currently nineteen (19) acres in size, with no plans to expand. He added that he spoke with nearby resident, John Henzler, 508 South Ridge Drive, on the phone and discussed the scope of the work and upcoming improvements. Mr. Tawney confirmed that they have no issue with the recommendation from the Planning & Zoning Administrator. Mr. Bade referenced the email from John Henzler related to the noise concerns, and Mr. Tawney said that the new exhaust fan is slower and added that the fifty (50) foot stack runs straight up.

Mr. Bade and Ms. Williams added that they are both in favor of Note #5 related to sidewalks through driveways. There was a brief discussion about the tree line buffer as a screen from the neighbors.

Mr. Bade made a motion to grant conditional approval for the Preliminary & Final Site Plan LyondellBassell at 12600 Eckel Road, to include Notes 1, 4, and 5-6 as listed above in the Staff Report, as well as, ensuring that the trees along the rear lot remain in the landscape plan as a screen from the neighbors. Seconded by Ms. Williams, and it was unanimously approved (7-0).

***Rezoning Request
R-4 (Single Family Residential) to
RM (Multiple Family Residential)
Parcel Q61-400-080307035000 (o Louisiana Avenue)
Parcel Q61-400-080307036000 (o Louisiana Avenue)***

APPLICANT/OWNER/DEVELOPER

John Modene
810 W. South Boundary St.
Perrysburg, OH 43551

REQUEST

Chapter 1285- Changes and Amendments

PROPERTY LOCATION & DESCRIPTION

The subject property is located on the west side of Louisiana Avenue between Whiteside Drive and Dr. McAuley Court. These parcels are all currently zoned R4 (Single Family Residential) and the applicant is hereby requesting a rezoning of the property from R4 to RM (Multi-Family Residential).

Adjacent zoning:

1. North: R3 – Single Family Residential
2. East: R4 – Single Family Residential, INS – Institutional
3. South: RM – Multiple Family Residential
4. West: R3 – Single Family Residential

The area of these two parcels combined is currently vacant and is comprised of approximately 1.67 acres.

BACKGROUND

The history of these property's zoning is not entirely clear but from reviewing previous copies of the City's zoning maps and aerial imagery, it appears that since at least 2004 (and most likely much longer) these properties have existed as vacant land under the same or similar use.

ANALYSIS

The Land Use Plan defines this area as Legacy Residential. This area is characterized by maintaining the existing fabric and character of older, existing Perrysburg neighborhoods with a recommended intensity average of 3-5 units per acre within the area.

“Development Character should be single-family residential and community facilities that reflect the current existing characters of established Perrysburg communities.” Based on the community analysis, the plan also mentions a need for a variety of housing in the area to address a portion of the population referred to as the “missing middle”. These could encompass ownership or rental opportunities for not only young professionals but also the aging population wanting to downsize as they no longer have dependents living with them. The plan states that a variety of housing options within this area could allow for the transitioning of the “missing middle” to grow into home ownership or retention of existing residents within the area. This could allow for either of the demographics to be retained by allowing them to continuously invest in the community by way of ownership. “There is a need now for a variety of housing sizes and types to accommodate the new trends in household structure. Downtowns and mixed-use environments provide ideal locations for missing middle housing types, which include apartments, condos, duplexes, triplexes, cottage courts, etc.”

Overall, the specific plan calls for this area to be “Legacy Residential” which can be comprised of single-family homes, but it is also important to note the plan suggests unique housing styles and options within the same area.

Per Ch. 1220.03, R-4 – Single Family Residential is typically an area intended to provide desirable settings for residential development within the several density ranges described in the City of Perrysburg Comprehensive Plan and for various types of dwelling units with appropriate regulations regarding physical development. As appropriate, the districts also allow other uses compatible with residential areas, either as permitted, or as special uses. Basic urban services including adequate access and utilities, are necessary for these districts. Specifically, medium-density residential development that has ready access to most community services. Includes land with little or no topographical problems.

The following uses are permitted uses or allowed with a Special Approval Use (SAU) within **R4**.

Chicken Keeping
One Family Dwelling
Bed & Breakfast **(SAU)**
Rooming House **(SAU)**
Accessory Use
Cemetery **(SAU)**
Child Day Care Centers **(SAU)**
Essential Services
Non-Commercial Recreation Facilities **(SAU)**
Parks and Recreation Facilities **(SAU)**
Part-time Child Day Care Centers **(SAU)**
Public Service Facility **(SAU)**
Public/Private Utility **(SAU)**

Per Ch. 1220.03, RM – Multiple Family Residential zoning is defined as “areas intended to provide for multiple-family dwellings.”

The following uses are permitted uses or allowed with a Special Approval Use (SAU) within **RM**.

One family dwelling
Two family dwelling
Multiple family dwelling
Assisted Living Units
Rooming Houses **(SAU)**
Accessory Uses
Child Day Care Centers **(SAU)**
Convalescent and Nursing Homes **(SAU)**
Essential Services
Non-Commercial Recreational Facilities **(SAU)**
Parks and Recreation Facilities **(SAU)**
Part-time Child Day Care Centers **(SAU)**
Public Service Facility **(SAU)**
Public/Private Utility **(SAU)**

RECOMMENDATION

The Planning and Zoning Deputy Administrator recommends that the Planning Commission recommend to the City Council denial of the Rezoning Request for parcels Q61-400-080307035000 and Q61-400-080307036000 (0 Louisiana Avenue). Although the applicant's proposed utilization of the land for a 12-unit condominium aligns with the vision of the Land Use Plan, this plan under the current code, would be more beneficial and fitting under the R-5 (Two-Family Residential) zoning classification. The lot measures just over 400 feet in frontage, allowing the construction of four (4) two-family residential lots, totaling eight (8) units. This zoning classification would follow the vision of the Land Use Plan and allow for unique housing options in the area. In addition, the RM classification has a minimum lot size of 3 acres and this parcel is just over half of that size.

Further, it is recommended that a Public Hearing be set before the City Council for April 2, 2024, at 6:10 p.m.

Mr. Easterling reviewed the above Staff Report regarding the Rezoning Request from R-4 (Single Family Residential) to RM (Multiple Family Residential for parcels Parcel Q61-400-080307035000 (0 Louisiana Avenue) and Parcel Q61-400-080307036000

(o Louisiana Avenue). Jon Modene and Lane Williamson were present on behalf of the request, and Mr. Modene added that he is trying to develop this property for his client. Mr. Modene added that he is in favor of R-5 or RM zoning as was the guidance from the Planning & Zoning office. Mr. Bade and Ms. Williams noted that they can support R-5 zoning, as the minimum lot size is not met with these parcels for RM zoning. Mr. Williamson added that he reviewed the proceedings from the January 25, 2024, Planning Commission meeting, noting that RM zoning makes sense and that R-5 is an option. Mr. Walters confirmed that there is no subsequent plan review process for the development of property that is zoned R-5.

Mr. Walters referenced the letter that was received from Superintendent, Tom Hosler, Perrysburg Schools with regards to this request.

There was a brief discussion about traffic concerns along Louisiana Avenue and the possibility of an access easement with the neighboring property (Louisiana House at 129 Dr. McAuleys Court). Mr. Modene confirmed that he has every intention to work with city staff to develop this property, and added that he would have to work with ODOT to gain access to SR-199. There was further discussion regarding R-5 zoning amongst the Commission.

Ms. Williams made a motion to recommend the Rezoning Request from R-4 (Single Family Residential) to R-5 (Two Family Residential) for parcels Parcel Q61-400-080307035000 (o Louisiana Avenue) and Parcel Q61-400-080307036000 (o Louisiana Avenue), and that a Public Hearing be set for April 2, 2024, at 6:10 p.m. Seconded by Mr. Lorenz, and it was unanimously approved (7-0).

***Rezoning Request
C-4 (Highway Commercial) to
RM (Multiple Family Residential)
A portion of Parcel Q61-400-300000005000
(o N. Dixie Highway)***

APPLICANT/OWNER/DEVELOPER

Ben Weinerman
Pride One Construction
2211 Medina Rd. STE 100
Medina, OH 44256

REQUEST

Chapter 1285- Changes and Amendments

PROPERTY LOCATION & DESCRIPTION

The subject property is located at the southeast corner of the intersection of Five Point Road and Dixie Highway just behind the electrical substation. This parcel is currently zoned C4 (Highway Commercial) and the applicant is hereby requesting a rezoning of the property from C4 (Highway Commercial) to RM (Multiple Family Residential).

Adjacent zoning:

1. North: I2 – Perrysburg Township
2. East: RM – Multi-Family Residential (St. Clair Commons)
3. South: INS – Institutional (Saint John XXIII Catholic Church)
4. West: R1/RM/C4/OS – Single Family Residential, Multi-Family Residential (Southview Estates), Highway Commercial, Office and Service

The area of this property is approximately 24.3 acres and does not currently contain any structures. The application does not specify whether the entire parcel or just the 18.3 acres listed on the application are being requested to be rezoned.

BACKGROUND

This property was annexed from Perrysburg Township into the City in 2009 under the A-1 “Agricultural” use designation. This has remained an undeveloped parcel in the city since its annexation, and the ownership would like to change the zoning to a more fitting use for future development.

In August 2023, the zoning classification was changed from A1 (Agricultural) to C-4 (Highway Commercial).

ANALYSIS

The Land Use Plan states that this parcel is in the subject area defined as the “Suburban Corridor”. This designation would allow for a mix of uses as the commercial districts should primarily serve the residents within the surrounding neighborhoods.

The plan advises that the development should be medium to large scale and utilize open spaces to add character to any development. Building coverage for this designation is expected to be at 30%-50%.

Also, when looking at this specific property along with the neighboring parcels it could make for a well-positioned Planned Unit Development (PUD) that could facilitate a more creative use of the land for a mixed-use scenario where commercial uses could line the Corridor Overlay District when creatively combined with residential options.

Per Ch. 1220.03, C4 – Highway Commercial zoning is typically defined as “areas fronting on major highways and utilized for all types of businesses, especially those that serve the traveling motorist and patrons throughout the community.”

The following uses are permitted uses or allowed with a Special Approval Use (SAU) within **C4**.

Animal Services (outdoor)
Animal Services (indoor)
Automotive Oil and Lube Service Facilities
Automotive Repair – General **(SAU)**
Automotive Repair – Light
Automotive Sales or Lease for New and Used Vehicles Outdoors **(SAU)**
Auto Wash **(SAU)**
Carry-Outs / Other Business, Alcoholic Beverages **(SAU)**
Commercial Schools
Drive-in Commercial Uses
Entertainment and Spectator Sport Facilities
Grocery Stores
Gym/Fitness Facility
Motels and hotels
Neighborhood Business less than 10,000 SF
Personal Services
Printing
Restaurant Carry-Out only
Restaurant Drive-In
Restaurant Fast Food
Restaurant Outdoor Café **(SAU)**
Restaurant Full Service
Retail Business less than 60,000 GSF
Retail Business more than 60,000 GSF **(SAU)**
Sale and Storage of Building Materials **(SAU)**
Self-Service Storage **(SAU)**
Service Station
Shopping Center
Hospitality Facilities **(SAU)**
Transient Habitation **(SAU)**
Repair Services, Consumer
Nursery / Green House
Medical Offices
Medical Urgent Care Facilities
Accessory
Child Day Care Centers **(SAU)**
Club, Lodges, Fraternal and Civic Assembly
Essential Services
Mortuaries / Funeral Homes **(SAU)**
Part-Time Child Day Care Centers **(SAU)**
Public and Private Schools **(SAU)**
Public Service Facility
Public/Private Utility

Wireless Telecommunication Facility **(SAU)**
Wholesale Business

Per Ch. 1220.03, RM – Multiple Family Residential zoning is defined as “areas intended to provide for multiple-family dwellings.”

The following uses are permitted uses or allowed with a Special Approval Use (SAU) within **RM**.

One family dwelling
Two family dwelling
Multiple family dwelling
Assisted Living Units
Rooming Houses **(SAU)**
Accessory Uses
Child Day Care Centers **(SAU)**
Convalescent and Nursing Homes **(SAU)**
Essential Services
Non-Commercial Recreational Facilities **(SAU)**
Parks and Recreation Facilities **(SAU)**
Part-time Child Day Care Centers **(SAU)**
Public Service Facility **(SAU)**
Public/Private Utility **(SAU)**

RECOMMENDATION

When considering rezoning requests, it's important to keep in mind that the proposed use may not be the final one, and a less desirable use may take its place. Numerous stand-alone multi-family developments are being constructed, reviewed, and designed on parcels zoned for multiple families. It is not yet clear how these developments will impact the community in the future. In the past three years, over 1,480 units have been or will be added to the city in areas where such developments are permitted by right. Therefore, the Planning and Zoning Deputy Administrator recommends that the Planning Commission recommend that City Council deny the Rezoning Request from Highway Commercial (C4) to Multi-Family Residential (RM) for the subject parcel: Q61-400-300000005000 (o N. Dixie Highway). The current and future impact of this level of growth on the City of Perrysburg cannot be immediately determined, although the Land Use Plan supports this type of development. In addition, the Corridor Overlay District would lose opportunities for future commercial development along SR-25 if the parcel in its entirety is rezoned to RM.

Further, it is recommended that a Public Hearing be set before the City Council for April 2, 2024, at 6:00 p.m.

Mr. Easterling reviewed the above Staff Report regarding the Rezoning Request from C-4 (Highway Commercial) to RM (Multiple Family Residential) for approximately eighteen (18) acres of Parcel Q61-400-300000005000 (o N. Dixie Highway). Ben Weinerman, Pride One Construction, was present on behalf of the request and added that the future end product for this development will be ranch-style single-family units that are attached. He confirmed that RM zoning for this request is more of a proper use as opposed to a PUD. Mr. Bade asked if a lot split has been approved for this property, and there was further discussion about the commercial development from previous meetings with the Planning Commission. Mr. Weinerman confirmed that they will be splitting the commercial acreage from the residential and that the commercial portion will be retained by the seller. The Commission further noted that they are concerned with the density of the RM zoning for this request, and Mr. Easterling noted that the previous submittal for a PUD expressed specific C-4 zoning up front and RM zoning in the rear.

Mr. Walters referenced the letter that was received from Superintendent, Tom Hosler, Perrysburg Schools with regards to this request.

Mr. Mackin made a motion to recommend approval of the Rezoning Request from C-4 (Highway Commercial) to RM (Multiple Family Residential) for a portion of Parcel Q61-400-300000005000 (o N. Dixie Highway), and that a Public Hearing be set for April 2, 2024, at 6:00 p.m. Seconded by Mr. Bade. Ayes: Beredo and Lorenz (2). Nays: Bade, Mackin, Vela, Williams, and Wolfinger (5).

Brian McMahon, Danberry National, asked if they are limited to developing the C-4 portion of the property, and it was confirmed that the Planning Commission makes a recommendation to City Council.

Preliminary Plat The Falls at Rivers Edge (Plats 4-6)

APPLICANT/OWNER/DEVELOPER

Mr. Brian Gruber
River's Edge Ltd.
7015 Lighthouse Way, Suite 500
Perrysburg, OH 43551

Greg Feller, P.E.
Feller Finch & Associates, Inc.
1683 Woodlands Drive
Maumee, OH 43537

REQUEST

Chapter 1295.01 – Preliminary Plat

Chapter 1295.06(i) – Preliminary Plats: Tentative Approval Time Limit; Plat Resubmission

PROPERTY LOCATION & DESCRIPTION

The Falls at Rivers Edge was an R-4 (Single Family) subdivision with a CDP (Community Development Plan) overlay located immediately south of Perrysburg High School on approximately 34.773 acres (**Exhibit A**). The development is for zero-lot line units and traditional stand-alone residences and consists of six plats with 139 lots (**Exhibit B**).

BACKGROUND

The Preliminary Plat was first approved on March 28, 2002, and was renewed regularly between then and 2016. On February 4, 2016, the Planning Commission granted its final renewal for Plats 4-6 which kept the approval active until December 17, 2016. There have been no additional renewals on file for this development, which effectively ended the allowance for renewals and now requires the submission of a new preliminary plat for approval. The remaining land in the newly submitted preliminary plat request (Plats 4-6) contains 49 lots, as shown.

Plat 1 - 35 lots was finalized on June 26, 2003.

Plat 2 - 19 lots was finalized on October 28, 2004.

Plat 3 - 36 lots was finalized on May 26, 2005.

ANALYSIS

Preliminary plats are evaluated by the Planning Commission per the city's subdivision requirements which do and have periodically changed over time. The proposed preliminary plat being reviewed as part of this application has, for an extended period enjoyed "renewals," which did not compel conformance with the existing regulations and effectively resulted in the plat attributes being "grandfathered" in. The failure of the applicant(s) to request a renewal before the expiration of the previous approval causes the applicant to lose eligibility for a renewal. Additionally, it should be noted that renewals are not and should not be considered "automatic" approvals of previously approved plans. The city's Planning Commission does have a long history of evaluating subdivisions for substantial progress in determining renewals so as not to unfairly withhold subdivision progress and undermine expectations, but also so as not to provide an unfair advantage for inactive developments that may not coincide with the stated goals and objectives of the city.

The current zoning of the land within this application is R-4 Single-Family Residential. The general attributes of this zoning are as follows:

Min. Lot Size = 9,500 SF
Min Lot Frontage = 65'
Front Setback = 35'
Rear Setback = 30'
Side Setback= 6' single, 16' total
Minimum Dwelling Size = 1,100 SF

The lots shown on this plat are primarily 50' wide, except corner lots or lots with drainage easements which are shown at 70' and 55' respectively. This narrower lot width also contributes to reduced lot square footage as well with the majority of lots consisting of 6,000 SF. Corner lots are 8,400 SF and easement lots are 6,600 SF.

RECOMMENDATION

No recommendation provided.

Mr. Walters reviewed the above Staff Report regarding the Preliminary Plat for The Falls at Rivers Edge (Plats 4-6). Greg Feller, Feller Finch, and Brian Gruber, Ridge Stone Builders & Developers, were present on behalf of the request and added that these are single-family detached units previously approved from 2011 to 2016. He said that there has been a recent increase in the interest of developing the remaining lots within the subdivision and that they are asking to finish the original approvals. The Commission asked why Preliminary Plats had not been requested from the applicants after 2016, and Mayor Mackin noted that this current request will set a precedent for future requests. Mr. Gruber asked how the original CDP disappeared from the zoning code, and Mr. Beredo confirmed that the zoning code is different and that dimensionally the applicants are asking for an exception. There was continued discussion about infrastructure and sewer locations within this subdivision.

Jonathan Smith, 152 Valley Hall Drive, was present and asked about the Preliminary Plat Renewal Fee, and the rear yard setbacks. It was confirmed that the fee is \$200 and that the current R-4 rear yard setback is thirty (30) feet. Brian Gruber confirmed that they are willing to put in landscaping in the rear.

Jan Materni, 423 W. Sixth Street, was present and added that this request is precedent-setting and a burden on the infrastructure.

Christine Sarns, 2290 Falling Waters Lane, was present on behalf of The Falls at Rivers Edge HOA and added that they would like to continue with the continuity and tranquility of the neighborhood as it exists with a similar look and feel. She mentioned that HOA services could also be impacted.

Cathy Pratt, 2210 Falling Waters Lane, was present and said that the neighborhood is a nice design, that doesn't add huge amounts of traffic and is a unique development. She added that she has lived in the neighborhood for almost ten years.

Constance Sanford, 3245 Rivers Edge Drive, was present and added that she is concerned with the impact of larger homes which could equal more families and more children in the neighborhood, which will affect the schools.

There was a brief discussion about expired plats, and the outcome if denied. Mr. Walters confirmed that the home product is not dependent on the lot size, and Brian Gruber added that if the lots are larger then the homes will be larger. Ms. Wolfinger said that she is not happy with the delay of this request and added that she is sympathetic to the current residents. Mr. Feller added that these are unique circumstances, and the Commission briefly discussed who bears the loss with this delay.

Wilbur Oakley, 1817 Hidden Ridge Drive, was present and said that the current homeowners are now penalized, and asked how that is fair. Mr. Bade noted that the residents should hold the developer accountable, and added that nothing is going to change if these circumstances are allowed to continue to happen.

There was further discussion amongst the Commission about the density of the R-4 zoning.

Margaret Kurt, 3350 Rivers Edge Drive, was present and said that she came to support the neighborhood.

Steven Simmons, 1844 Hidden Ridge Drive, was present and said that he understands that this is precedent-setting, is compassionate to the seniors, and the HOA needs to understand future maintenance.

Mr. Feller noted that Lucas County approves Preliminary Plat requests on a one-time basis, and asked if the Sanctuary Extension was approved. There was further discussion about the zoning code change and looking to the future.

Kim Besgrove, 1873 Hidden Ridge Drive, was present and said that she is in support of finishing the subdivision.

Mr. Beredo asked if there is a mechanism for the city to require follow-through with applicants and requests, and Mr. Walters confirmed that there is not, and added that plat renewal is good for up to two years. There was a brief discussion about conditional approval concerning this request, and Mr. Walters said that it is fundamentally different from a Final Site Plan request.

Mr. Vela made a motion to recommend approval of the Preliminary Plat for The Falls at Rivers Edge (Plats 4-6). Seconded by Ms. Wolfinger. Ayes: Vela, Williams, and Wolfinger (3). Nays: Bade, Beredo, Lorenz, and Mackin (4).

Urban Village Overlay (UVO)
Harbor Town Place (PBP) Planned Business Park

APPLICANT/OWNER/DEVELOPER

HT Development, LLC
3102 Steeple Chase
Perrysburg, OH 43551

Feller Finch and Associates, Inc.
1683 Woodlands Drive
Maumee, OH 43537

REQUEST

Chapter 1245.01 Urban Village Overlay
through
Chapter 1245.07 Procedures for Establishment of a UVO (Step One)

PROPERTY LOCATION & DESCRIPTION

Harbor Town Place is located on the west side of SR25 at Harbor Town Blvd. and Progress Drive, south of Roachton Road and north of Five Point Road. The existing development is adjacent to the existing Horseshoe Bend subdivision and the Summerfield subdivision.

The existing zoning is Planned Business Park (PBP) with an Urban Village Overlay (UVO). There is also a small parcel of Multi-Family Residential (RM) towards the west side of the property.

The subject development consists of approximately 86.1 acres.

BACKGROUND

Harbor Town Place is currently a PBP/UVO with an established Architectural Review Committee (ARC) that was established in approximately 2010. As part of the UVO approval process, the applicant provided to the Planning Commission and City Council an overall master plan of the included land (See the sheet that is labeled “Existing Harbor Town Master Plan”). The code states that the UVO approval may introduce uses that are consistent with the underlying zoning of PBP and may also introduce uses that have specifically been identified in the UVO master plan. For this project, the applicant

previously established their master plan by creating “areas” of uses labeled as areas 1 – 6, each of which is defined by a chart that outlines potential uses and dimensional standards.

Recently, the applicants presented a plan of development to the city which consisted of attached townhomes within the entirety of Area 6 (south of the ditch), Area 5, and Area 3 (south of the ditch). The Harbor Town ARC rejected this plan due to multi-family residential not being an approved use in Area 3 or Area 5. The governing ARC does have the authority to make minor modifications to the approved master plan, but it was determined by the ARC that such a change would be a significant deviation from the approved plan. After the ARC issued the denial, the decision was appealed to City Council, where the ARC decision was upheld, resulting in the applicants being unable to develop multi-family residential units in areas outside of Area 6. During the appeal process, the applicants were informed that if there was a desire to change the types of uses that could be introduced to this area there would need to be a new application for a UVO accompanied by a revised “area map” (See the sheet that is labeled “Proposed Harbor Town Master Plan”). This revised area map now includes four areas, two of which do permit multi-family residential (Area 3 and Area 4).

ANALYSIS

1245.01 URBAN VILLAGE OVERLAY.

It is the purpose of the Urban Village Overlay to allow for flexibility in zoning when the result will be the development of a compact urban village with the following emphases:

- (a) Unified architectural themes that will allow for freedom in design and building materials while clearly creating an integrated urban village;
- (b) Neighborhoods, activity areas, and open spaces around a well-designed transportation network where pedestrian activity is strongly supported;
- (c) Shops with high pedestrian activity along the ground floors and office space or residential apartments on the upper floors;
- (d) Residential areas intermixed within close proximity of shops and places of work;
- (e) An emphasis on people and the neighborhoods where they live and play; and
- (f) A design where open space, public and institutional uses and recreational uses are interwoven into the urban fabric of the overall village context.

(Ord. 25-2006. Passed 3-7-06.)

1245.02 DESIGNATION.

The Urban Village Overlay shall be designated by the abbreviation "UVO" on the City of Perrysburg Zoning Districts Map. All property so classified is subject to the provisions of this Chapter. (Ord. 25-2006. Passed 3-7-06.)

1245.03 APPLICABILITY.

- (a) The UVO shall operate as an overlay zone with all the existing zoning districts remaining intact. All provisions of the underlying zoning shall apply, except as provided for in this Chapter.
- (b) A minimum UVO Project area of fifty (50) acres shall be required to establish a UVO. (Ord. 25-2006. Passed 3-7-06.)

1245.04 ZONING PERMIT.

No zoning permit shall be issued for any new construction within an established UVO without approval of the ARC. (Ord. 25-2006. Passed 3-7-06.)

1245.05 USE REGULATIONS.

In addition to those uses permitted in the underlying zoning districts, a building or premises may be used for the following purposes subject to approval pursuant to this Chapter:

- (a) All uses permitted in any zoning district except I-1 and I-2 and all uses considered “special approval uses” with approval of the Architectural Review Committee;
- (b) General manufacturing may be permitted provided that the use is fully enclosed within a building;
- (c) Mixed uses and restaurants, bars and taverns where intoxicating liquor, beer and wine are offered for sale;
- (d) Uses beyond those permitted in this Chapter or in the underlying zoning may be approved by the Planning Commission as part of the establishment of the UVO in accordance with the Zoning Code.
- (e) Subsequent proposed uses, unless substantially different from the approved UVO, shall be reviewed and approved by the ARC. If substantially different, proposed uses shall be approved by the Planning Commission.

(Ord. 25-2006. Passed 3-7-06.)

1245.06 ESTABLISHMENT OF THE ARCHITECTURAL REVIEW COMMITTEE.

Owners and developers of property within a UVO district shall establish an ARC (Architectural Review Committee) and bylaws under which the ARC shall perform its duties and responsibilities. Such bylaws shall establish requirements of membership, duties and powers, meetings and voting procedures. The ARC shall be composed of the Planning and Zoning Administrator or designated representative, an architect and two (2) representatives of the owner and developer. The City shall appoint the architect. Any quorum of the ARC necessary to take action on a project must include the Planning and Zoning Administrator, or his designated representative. In the case of a tie vote, the Planning and Zoning Administrator shall be favored.

(Ord. 25-2006. Passed 3-7-06.)

1245.07 PROCEDURES FOR ESTABLISHMENT OF A UVO (STEP ONE).

The owner and developer of a property within a UVO Project shall be subject to the following two-step procedure to establish the district and develop lots within the UVO:

- (a) Establishment of a UVO (Step One): The owner or developer shall be subject to all application and review requirements set forth in Chapter 1285 with regard to changes and amendments to the Zoning District Map.
- (b) In addition to the requirements set forth in Chapter 1285, the owner and developer shall be required to submit a master plan that illustrates the following information along with the application for an amendment to the Zoning Districts Map:
 - (1) The general location and types of permitted land uses;
 - (2) The yard requirements for each use category;

- (3) The general transportation network including streets, alleys, multi-use paths, sidewalks, and other pedestrian pathways;
- (4) Proposed residential densities and proposed minimum lot sizes by use category;
- (5) Illustrations of the general design theme and character for each land use;
- (6) A comprehensive sign master plan shall be provided that illustrates or requires compliance with the following requirements:
 - A. Signs shall be designed and built of materials and colors that are consistent with the architectural style of the building for which the signage is representing and the overall architectural style of the project;
 - B. Ground signs shall be designed to be permanent in appearance; portable signs modified to be used as ground signs are prohibited; and
 - C. Fluorescent lighting is prohibited in signage.
- (7) Development standards which include architectural standards, landscaping, parking and any other items as required by the Planning and Zoning Administrator shall be submitted.
- (c) City Council may approve development standards which deviate from the requirements of the Zoning Code so long as such standards will promote the purpose and intent of this Chapter. The requirement of the Zoning Code shall be observed unless City Council approves design standards which deviate therefrom.
- (d) The information outlined in Section 1245.07(b) may be made in any format that will adequately demonstrate the concept and intent of the proposed development.
- (e) The foregoing information shall be submitted and adopted in accordance with Chapter 1285 of the Zoning Code.
- (f) Upon the establishment of the UVO District, the owner and developer may then proceed with the subdivision of the project area in accordance with the subdivision regulations of the City of Perrysburg Zoning Code and with Final Design Plan review (Step 2). Exceptions to improvement standards may be made with the City's approval.
- (g) Approval is valid for a five (5) year period.
(Ord. 25-2006. Passed 3-7-06.)

RECOMMENDATION

The Planning and Zoning Administrator recommends:

- 1. Review of the requirements of Chapter 1245.01 to determine if the goals of the UVO are being met by the proposed master plan.
- 2. Evaluate if the applicant has provided the necessary information to recommend approval based on the requirements of Chapter 1245.07.

Further, it is recommended that a Public Hearing be set before City Council on April 2, 2024, at 6:20 p.m.

Mr. Walters reviewed the above Staff Report regarding the Urban Village Overlay (UVO) for Harbor Town Place (PBP) Planned Business Park. Ed Harmon, NAI Harmon Group, Brian McCarthy, McCarthy Builders, Brian McMahon, Danberry National, Jerry Parker,

Gressley, Kaplin & Parker, LLP, Brian Gruber, Ridge Stone Builders & Developers, and Matt Gruber, Total Ground Solutions, were present on behalf of the request.

Mr. Harmon said that he is representing Area (1) as noted on the Site Plan that was submitted and that they are planning for a major medical facility. He added that the storage units as previously approved for a portion of Harbor Town Place PBP would not benefit his end user, and he is asking for consideration of the proposed UVO request.

Mr. McCarthy said that he has become a partner over the last few years, and noted that the city's Land Use Plan is a great guide. Mr. Vela asked why self-storage is shown on the plan, and Mr. McCarthy noted that it has already been approved by the Harbor Town ARC. There was further discussion about this ARC, and Mr. Walters confirmed that the UVO and PBP are governed by the ARC. Mr. McMahon noted that the uses are similar between this request and the proposed Rezoning Request from C-4 to RM on N. Dixie Highway. Mr. Parker said that it is important to look at the certain criteria for the UVO that have been met and agreed upon.

There was a brief discussion about Area (4) amongst the Commission, and Brian Gruber said that they are willing to remove self-storage and warehousing as it currently exists on the plan. Ms. Wolfinger noted that there is an increase in residential, and Brian Gruber confirmed that the acreage has increased. Mr. Walters referenced Chapter 1245.07 PROCEDURES FOR ESTABLISHMENT OF A UVO (STEP ONE) and it was noted that the UVO is driven by the Development Standards for this Planned Business Park. Mr. Effler confirmed that this is an amendment to the UVO and that the Development Standards remain in place. Ms. Williams asked if there was an expiration on this request, and Mr. Walters confirmed that it was after five years. Mr. Vela said that it is hard for the Commission to vote without seeing all of it.

Jonathan Smith, 152 Valley Hall Drive, was present and noted that there was a previous quasi-judicial procedure and City Council was in favor of low density for multi-family with commercial development.

There was further discussion about the proposed multi-family buildings in Area (3) compared to Area (4) as noted on the plan, and Brian Gruber said that is a misprint and confirmed that multi-family is only planned for Area (4). Mr. Bade said that he finds this plan to be high-density, and that he doesn't want to see all of the same units.

Mr. Lorenz suggested that they look at Area (2) and consider removing self-storage and warehousing. Mr. Walters noted Chapter 1245.08(e) FINAL DESIGN PLAN (STEP TWO) with regards to the ARC and the procedure to get to the end result. There was further discussion about the Design Standards, and Mr. Walters confirmed that they are architectural and design elements.

Mr. Beredo asked for a list of uses for Area (4) to confirm that the uses are consistent with one another, and Mr. Gruber added that is the intention of the UVO. Mr. Parker added that this plan is designed to be flexible in subjective terms. Mr. Walters noted that Area (3) was not previously planned for multi-family development and Mr. Gruber added that there is a 180-unit max between Area (3) and Area (4).

Mayor Mackin made a motion to table the Urban Village Overlay (UVO) for Harbor Town Place (PBP) Planned Business Park, and asked that the applicants submit a complete plan to include the Site Development Standards. Seconded by Mr. Bade. Ayes: Bade, Mackin, Vela, Williams, and Wolfinger (5). Nays: Beredo and Lorenz (2).

OTHER BUSINESS

Mr. Vela asked the Commission if they would consider moving the meeting time up to 6 pm instead of 7 pm, and said that it could be further discussed at the March meeting.

Abigail Bahret, 2161 Woods Hole Road, was present and said that the impact on the schools should be considered in the future concerning decision-making.

Ashley Sackett, 14952 Reddington Court, was present and said that she understands the appeal of the community, added that the school buildings are at capacity, that more businesses are needed, and noted the pace of residential development.

Paloma De La Fuente, 28082 White Road, was present and said that the impact of residential development needs to be considered and noted that small businesses are important. She questioned if there is a concern or issue with the environmental impact of the Thermal Oxidizer (Final Site Plan) request for LyondellBasell at 12600 Eckel Road.

There being no further business, the meeting adjourned at 10:05 p.m.

Respectfully submitted,

Heather Alfaro
Zoning Clerk