

Minutes of Perrysburg Planning and Zoning Committee

Meeting Held April 23, 2024

CALL TO ORDER - 4:00 PM

The meeting was called to order at 4:01 p.m. by Chairperson Tim McCarthy.

ROLL CALL

Committee members present were Cory Kuhlman, Tim McCarthy, and Barry VanHoozen. Also present were Joe Fawcett, City Administrator, Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

CITIZEN'S CONCERNS

None.

APPROVAL OF MARCH 26, 2024 MEETING MINUTES

There being no objections, the minutes of the March 26, 2024 meeting were approved 3-0.

REZONING REQUEST

C-4 (Highway Commercial) to RM (Multiple Family Residential)
18.3 acres of Parcel Q61-400-300000005000 (0 N. Dixie Highway)

Brian McMahon of Danberry, and Ben Weinerman of Pride One, the applicant on this rezoning request, were present. Mr. McMahon stated that the property owner and her attorney were also in attendance. The subject property is located at the southeast corner of the intersection of Five Point Road and Dixie Highway just behind the electrical substation. The parcel is currently zoned C4 (Highway Commercial), and the applicant is requesting it be rezoned to RM (Multiple Family Residential). The rezoning request would include 18.3 acres of this parcel; the remainder of the parcel would remain C4.

This request was the subject of a public hearing on April 2, 2024. The Planning Commission recommended against the rezoning by a 5-2 vote.

Mr. McMahon and Mr. Weinerman both referenced a newspaper article that was published regarding an incorrect amount of taxes this development would generate for the schools. Mr. Weinerman apologized on behalf of his company and said that it was a clerical error in their economic impact statement. They both stated that there was no intent to deceive anyone, it was just an error.

Mr. McMahon explained that they are proposing an active adult community, and it is not a project that will attract families with children, so it will not create a burden on Perrysburg Schools. Mr. Weinerman said that in order to attract viable, quality commercial to the C4 property, they need some rooftops to support it. Mr. Weinerman

stated that there are other federal, state and local reviews this project would have to go through. Mr. McCarthy asked him what reviews he was referring to. Mr. Weinerman said that ODOT, the Wood County Engineer, and the Ohio EPA will be reviewing the project. Mr. Walters stated that with some projects those reviews are necessary, but because the project is in the City, the Wood County Engineer will not be reviewing the plans, and he does not think there are any wetlands, so a review by the Ohio EPA will not be necessary. Mr. Walters stated that the applicant needs to submit a legal description for the portion of the parcel for which they are requesting rezoning.

There was discussion regarding the PUD that was originally submitted for this property. Mr. Walters said that he had recommended that they request rezoning as opposed to doing a PUD, but they chose to try a PUD instead because they thought they would have a better chance of the multi-family zoning being approved that way. Once it was apparent the Planning Commission would not recommend approval of the PUD, they decided to request the rezoning instead.

Mr. Kuhlman said that he feels that the issues we are running into with preserving the commercial frontage is because of an outdated Planning & Zoning Code. He said that it is hard to say no to this because he appreciates what they are trying to do, and he thinks our Land Use Plan goes along with what they are trying to do. He said that he appreciates they are trying to preserve the SR25 Corridor for commercial which brings in more tax dollars.

Mr. McCarthy said that he thinks this is probably the natural evolution of that corner because of St. Clare Commons and St. John XXIII Church. He said with those two adjacent uses, the back area of this parcel lends itself to a multi-family type development, so long as we preserve the commercial in the front. To him, it would seem a strange mix of uses to run the commercial up to St. Clare Commons and the church. In his thinking, we started down this road when we allowed the church and went further down the road with St. Clare Commons. He said he does not feel it is viable commercial property all the way back, and he would be inclined to support this request.

Mr. VanHoozen said that he also agrees it is an appropriate use of that corner. He asked if Pride One will be part of developing the portion of the parcel that will remain C4. Mr. Weinerman said that the seller would remain owner of the commercial portion, and they will market it. The Committee agreed 3-0 to recommend approval of the rezoning request to City Council. Mr. McCarthy said that City Council will consider this request at the second meeting in May which will be on May 21, 2024.

REZONING REQUEST

R-4 (Single Family Residential) to R-5 (Two Family Residential)

(2) subject parcels: Parcel Q61-400-080307036000 (0 Louisiana Avenue), and Parcel Q61-400-080307035000 (0 Louisiana Avenue)

The subject property is located on the west side of Louisiana Avenue between Whiteside Drive and Dr. McAuley Court. The two parcels are currently vacant and

combined have an area of 1.67 acres. The parcels are currently zoned R-4 (Single Family Residential) and the applicant originally requested rezoning to RM (Multiple Family Residential), but the request has been changed to R-5 (Two Family Residential). The Planning Commission unanimously recommended approval of the rezoning to R-5, and a public hearing was held on April 2, 2024 regarding this request.

Mr. Walters said that since the rezoning request has been modified, the applicant is planning on eight units instead of twelve. Mr. Kuhlman asked if Whiteside is zoned R-4, and Mr. Walters said it is R-3. Mr. McCarthy clarified that this is the property across from the post office, and Mr. Walters said that it is. Mr. Kuhlman asked if all the neighbors were notified, and Mr. Walters said they were. Mr. Kuhlman asked if any of them showed up to argue this, and Mr. Walters said they did not. The Committee saw no issues with this rezoning, and is recommending 3-0 to City Council that it be approved. This will be considered at the first City Council meeting in May.

OTHER BUSINESS

Mr. Walters said that in regard to the rezoning request at State Route 25 and Five Point Road, he heard the Committee say that it was not appropriate to take the commercial zoning all the way to St. Clare Commons. He suggested that there are more than two options, and from a planning perspective, based on the placement of the electrical substation, he wonders if the area that will remain commercial is deep enough to permit a use more substantial than a convenience store or fast food establishment. He said that what might be a lesson learned from Route 20 is, instead of having all residential and commercial users coming out onto SR25, implementing a service road.

Mr. Kuhlman said that this would also put parking in the rear. Mr. Walters said that better planning might be to have the residential traffic go out to Five Point Road.

Mr. McCarthy said that he had not considered the depth of the commercial property.

Mr. Kuhlman said that it was his understanding that the applicant would provide documentation of where the parcel would be split before Council votes on the rezoning. The Committee said that they like these options a lot, and they asked that Mr. Walters have a discussion with Pride One, the applicant on the project, and inform them that they need to be prepared to have an extensive discussion with the full City Council regarding these ideas.

Greg Bade, Cedarwood Lane, stated that one side of the intersection of Five Point and SR25 is pretty torn up. Mr. Walters noted that the side of the intersection Mr. Bade is referring to is in the township. Mr. Bade noted that the substation at the corner may need to be upgraded in the future because of development, and for safety reasons, you need some distance from it.

Mr. McCarthy asked if we can have the firm working on the Zoning Code update give us some help with short-term rentals. There was discussion about the difficulty in enforcement with regard to short-term rentals, and whether it would be beneficial to have something in the Code even if it was only for voluntary compliance.

Chris Bayes, 28612 Woodland Avenue, was present to discuss the requirement that recreational vehicles be five feet off of all property lines. He said he custom ordered his recreation vehicle in 2020, and it fit in his driveway perfectly according to the ordinance in place at that time. He said his wife is handicapped and, if he can't pull into his driveway, there is no safe way to load and unload his handicapped wife. Mr. McCarthy asked if the setback from the property line would prevent him from pulling in his driveway to get his wife in and out. Mr. Bayes said the Code does not address loading and unloading. Mr. Walters said that for purposes of loading and unloading, if not legally, then practically, the City is not going to be there in under an hour policing Code violations. Mr. Bayes said that his only option is to pour a patio, at his expense, on the side of his house, and it will have to be at an angle because there is a drainage easement and he can't pour concrete over the easement. He said it will still block his neighbor's view.

Mr. Kuhlman said that just as he previously told Mr. Bayes' neighbor, it is not the role of City Council to solve neighbor disputes, and the legislation that was passed was to clarify that the original intent was meant to be a five foot setback from all property lines. Mr. Bayes also asked why you can't park recreational vehicles on your property from November through March. Mr. Kuhlman said he wasn't here when it was written, but probably because most recreational vehicles are used during the spring and summer months.

Mr. Bayes asked how he could get the drainage easement vacated. Mr. Walters said that the easement is for the maintenance and operation purposes of storm sewers. He said that they have had requests to vacate easements in the past, but it is not good policy for the City to vacate them. He said that if Mr. Bayes gets the request to him, he will make sure it gets to the appropriate party. Mr. Bayes asked how he could get an injunction to vacate the law, and Mr. McCarthy said that he would have to do that through the courts. Mr. Bayes informed the Committee that both Mr. Walters and Mr. Easterling have been fantastic to work with regarding this issue. The Committee thanked him for coming to the meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:35 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Timothy G. McCarthy". The signature is written in a cursive, flowing style.

Tim McCarthy, Chairperson
Planning and Zoning Committee

Next meeting is scheduled for Tuesday, May 28, 2024 at 5:00 p.m.