

PLANNING COMMISSION MEETING

August 29, 2024

Chairman Rob Vela called the meeting to order at 7:00 p.m. Commission members present were Greg Bade, Mathew Beredo, Rob Vela, and Becky Williams (4). Andy Lorenz, Mayor Mackin, and Megan Wolfinger were absent (3). Also present was Brody Walters, Planning & Zoning Administrator.

APPROVAL OF MINUTES

Mr. Vela moved to approve the July 25, 2024 meeting minutes as written. Seconded by Ms. Williams, and the minutes were unanimously approved (4-0).

ADMINISTRATOR'S REPORT

No report.

Rezoning Request

S-1 (Scenic and Open Space) to R-1 (Single Family Residential)

Portion of Parcel Q61-100-601000043001 (o W. River Road)

Portion of Parcel Q61-100-601000043005 (o W. River Road)

APPLICANT/OWNER/DEVELOPER

Mark Rich
23285 W. State Route 51
Genoa, OH 43430

Aaron Feller
Feller Finch & Associates
1683 Woodlands Drive
Maumee, OH 43537

REQUEST

Chapter 1285 – Changes and Amendments

PROPERTY LOCATION & DESCRIPTION

The subject properties are located on the north side of West River Road, just north of Riverford Drive. The parcels listed on the title sheet represent the entire project site and

the rezoning request within this report does not pertain to all listed parcels. These parcels were annexed into the City of Perrysburg from Perrysburg Township (effective December 1, 2022). These parcels are currently identified as: Q61-100-601000043001, Q61-100-601000001000, Q61-100-601000002000, Q61-100-601000003000, Q61-100-601000004000, and Q61-100-601000043005. None of the parcels contain any significant structures but there is a gravel access road and parking area on one of the parcels.

This entire collection of parcels consists of approximately 38.29+/- acres of land.

BACKGROUND

Perrysburg City Council passed an ordinance to accept this annexation request from the previous owner (Schroeder) effectively transferring the property from Perrysburg Township to the City of Perrysburg on November 1, 2022 (effective on December 1, 2022). On January 26, 2023, the Planning Commission unanimously recommended the assignment of permanent zoning for this property as R1 (Single-Family Residential) for the portions at or above 590' of elevation and S1 (Scenic and Open Space) for those areas below 590' of elevation. Due to the proximity of the Maumee River and the associated floodplain, it was recommended to split-zone the parcels to acknowledge the hazard area, yet still allow for productive use of the balance of the land. Traditionally, the city has zoned floodplain areas and other environmentally sensitive areas S1. S1 zoning is very restrictive and would generally prohibit a zoning permit from being issued for that portion of a property.

ANALYSIS

During the initial "assignment of permanent zoning" hearing the applicants indicated that the 100-year floodplain area rises to a level of 590' of elevation above sea level, and that was the line of demarcation used to split the R1 and S1 zoning areas. After City Council approved the assignment of permanent zoning, the property owner performed cut-and-fill earthwork on the property that essentially relocated excavated material from one portion of the floodplain to another part of the floodplain, thus effectively elevating a portion of the land out of the floodplain elevation. A cut-and-fill scenario essentially involves deepening or removing fill material from the flood plain and depositing it elsewhere within the same flood plain, for a net zero effect on the floodplain's capacity. In this case, material was removed near the river and redeposited on the southern portion of the property to elevate this portion of the property to a higher elevation resulting in the land being at or above the 590' elevation mark.

Regarding the southern portion of the property that will have an elevation at or above the 590' mark, the land use plan indicated a use of Riverfront Conservation. This classification generally encourages maintaining the natural environment along the Maumee River and adding community amenities where appropriate. It is probably not reasonable or practical to apply a generalization of the land use plan to all 38+ acres of this property, rather the plan could be acknowledged by recommending S1 zoning from

all land below 590' of elevation and allowing the areas at or above 590' of elevation to accommodate a residential use that would be consistent with the majority of the land nearby.

The specific request in this application is to rezone a portion of the previously zoned S1 area of the project site to R1 now that the elevation of these portions has been raised to or above the 590' elevation point. These portions of the property are indicated on the included map.

RECOMMENDATION

The Planning & Zoning Administrator recommends that the Planning Commission recommend to City Council approval of the Rezoning Request from S-1 (Scenic and Open Space) to R-1 (Single-Family Residential) for the portion of the property found to be above 590' of elevation. S-1 (Scenic and Open Space) would remain for the portions of the site that are below 590' of elevation. It is a condition of this recommendation that all necessary topographic information be provided to the Planning and Zoning office prior to the public hearing scheduled below.

Further, it is recommended that a Public Hearing be set before City Council for October 1, 2024, at 6:10 p.m.

Mr. Walters reviewed the above Staff Report regarding the Rezoning Request from S-1 (Scenic and Open Space) to R-1 (Single-Family Residential) for a portion of Parcel Q61-100-601000043001 (O W. River Road) and a portion of Parcel Q61-100-601000043005 (O W. River Road). Developer Mark Rich and Aaron Feller, Feller Finch, were present on behalf of the application.

Kam Warner, 26960 W. River Road, was present and read a prepared statement. She asked if the Army Corps of Engineers had been contacted regarding this property and if a wetland delineation survey had been completed. Ms. Warner also asked about a traffic impact study and the impact that this request would have on the schools. She added that the ledge is not buildable, and Mr. Vela noted that it is cost-prohibitive.

Mr. Walters read an email that was submitted by Anne and Andrew Reynolds, 27135 W. River Road, that was not supportive of the rezoning request with the information that they currently have.

The Commission briefly discussed the previous zoning on this property when it was located in the jurisdiction of Perrysburg Township and discussed the split zoning as it currently exists. Mr. Walters noted that this plan is consistent with the 100-year floodplain and Mr. Rich confirmed that this process went through FEMA. Mr. Feller referenced the letter from FEMA and said that he spoke with Brian Swartz, Army Corps of Engineers, noting that this request is not an area of concern.

There was a brief discussion about the potential future development of these parcels, and Mr. Walters added that this rezoning request does not allow for any more houses, noted that nothing has been submitted for the platting of these parcels, and that there will be one point of access that is strategically located for this development of eight (8) homes. Ms. Warner asked about the private drive, and Mr. Walters said that it would be paid for by the developer. Mr. Rich added that this property is listed as cropland.

Timothy Brock, 27123 W. River Road, was present on behalf of his mother (Geraldine Brock) and said that they are in favor of the rezoning request.

Susan Nelson, 26879 Riverford Drive, was present and said that she is concerned with future traffic and its nearby impact. She referenced the wetlands area and asked if the EPA was involved.

Mr. Beredo asked about the criteria required for a traffic impact study to be initiated, and Mr. Walters said that it would be 100 trips generated during the peak hour. Mr. Walters added that eight (8) residential lots sharing a private drive would not warrant the study.

Paul Brock, 27123 W. River Road, was present and said that he is a former Engineering consultant and added that he is glad that Mr. Rich is a man of his word. He noted that there is a lot of fill that has yet to be done.

There was further discussion about the creation of the wetlands near the river and the stormwater construction permit. Mr. Rich confirmed that the paperwork permitting process has taken four months. Mr. Bade said that as long as the permits have been gained and that the abutting neighbors are pleased with the work thus far, then so is he.

Mr. Bade made a motion to recommend approval of the Rezoning Request from S-1 (Scenic and Open Space) to R-1 (Single-Family Residential) for a portion of Parcel Q61-100-601000043001 (o W. River Road) and a portion of Parcel Q61-100-601000043005 (o W. River Road), and that a Public Hearing be scheduled for October 1, 2024, at 6:10 p.m. Seconded by Ms. Williams, and the Rezoning Request was unanimously approved (4-0).

***Preliminary Site Plan
V Enterprises, LLC
135 W. Indiana Avenue***

Project Name: V Enterprises, LLC
Location: 135 W. Indiana Ave.
Zoning: C2 - Central Business
Applicant(s): Valentine Ononye
Land Use: Vacant
Parcel(s): Q61- 000-902203019000
Request: Preliminary Site Plan Review

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 1/2" 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)	Facade 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 – ≥ 5' from side or rear P/L			x
1250.61(b)	Accessory Building – ≥ 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

Notes:

1. Although signs are not a part of the review, please be advised that the front freestanding sign is not permissible without approval from the Board of Zoning Appeals due to the location.
2. Parking, although not required, the handicapped space is undersized.

RECOMMENDATION

The Planning & Zoning Administrator recommends approval of the Preliminary Site Plan as submitted.

Mr. Walters reviewed the above Staff Report regarding the Preliminary Site Plan for V Enterprises, LLC at 135 W. Indiana Avenue. Mr. Beredo recused himself from the discussion and application.

Mr. Vela made a motion to table the application due to not having a quorum to review and vote on the application. Seconded by Ms. Williams. Ayes: Bade, Vela, and Williams (3). Nays: (0). Abstain: Beredo.

Greg Hazelton, building owner of Salon Hazelton (131 W. Indiana Avenue), was present and expressed his concerns with the current deteriorated status of the building at 135 W. Indiana Avenue. Mr. Walters noted that this property is currently an active property maintenance concern with the city. Mr. Hazelton said that when the first plan was approved a few years ago nothing came of it. He asked why the property had not yet been torn down and that the state of this property gives an indication to allow for other businesses to follow suit. Mr. Hazelton noted that they love the updated plan.

OTHER BUSINESS

Ms. Williams noted that the city has started the zoning code update process and that it will take about one year to complete.

There being no further business, the meeting adjourned at 7:56 pm.

Respectfully submitted,

Heather Alfaro
Zoning Clerk