

City of Defiance Planning Commission

June 19, 2023, Meeting Minutes

ATTENDANCE:

Name	Title	Yes	No
Jen Clady Rosebrook*	Defiance City Planning Commission Chairman	X	
Steve Hoffman Jr.*	Defiance City Planning Commission Vice-Chairman	X	
Drew Shindler *	Defiance City Planning Commission Member	X	
Gary Butler*	Defiance City Planning Commission Member	X	
Mike Adams*	Defiance City Planning Commission Member <i>(Representative from Parks Board)</i>		X
Mike McCann*	Defiance City Mayor	X	
Ryan Mack*	Defiance City Administrator <i>(Representative to Defiance Reinvestment Area Committee)</i>		X
Melinda Sprow	Defiance City Engineer	X	
Rex Robison	Defiance City Zoning Commissioner	X	
Niki O. Warncke	Defiance City Planning Commission Clerk	X	
Sean O'Donnell	Defiance City Law Director	X	
Connie Seimet	Defiance City Planning Commission Secretary	X	

* Voting Members of Committee

OTHERS PRESENT (as noted on "sign in" sheet):

Name	Company	Address	Phone No.
Ross Oberhausen	Ally Development Company	5618 Morningside Dr., Crestwood, KY 40014	812-360-8737
Gary Joy	Ally Development Company	5618 Morningside Dr., Crestwood, KY 40014	502-594-2615
Sam Switzer	Switzer Realty	311 Clinton St.	419-782-4116
Dallas Paul	NAI Harmon	4427 Talmadge Rd., Toledo, OH	419-960-4410
Tony Schautz	Legacy Living	8463 Castlewood Dr., Indianapolis, IN 46250	317-698-4000
Josh Mast	City Council	340 Northwood	419-782-1320
Keith Burmeister	Promedica	1200 Ralston Rd.	419-261-9430
Christopher Daoust		1378 Ironwood Ct.	419-508-1480
Nathan Waggoner	Cash Waggoner	402 E. 13 th , Jasper, IN 47846	812-631-3964
Joel Youkers		1246 Pinehurst Dr., Defiance	419-458-1209
Carl Keith		1261 Pinehurst Dr., Defiance	419-576-7875
Trish & Mark Speiser	Riverview Land Management	651 Clinton St.	419-789-3111

Chairman Clady Rosebrook called the meeting to order at 4:30 p.m. with a quorum present.

ADMINISTRATIVE ITEMS:

- Mayor McCann made a motion to approve the May 15, 2023, Planning Commission Meeting Minutes; Mr. Shindler seconded the motion. The motion carried unanimously.
- Clerk's Report: Ms. Warncke introduced Mr. Glenn Grisdale from Reveille LTD, Bowling Green, Ohio, who gave a presentation of the City of Defiance 2023 Comprehensive Plan.
 - o Mr. Grisdale explained who was on the committee, which had met 12 times since February of 2022. Mr. Grisdale said there was a process they went through to determine what issues there were with the community and what steps could be taken to work on those areas to make them better – there were 54 strategy areas to

be addressed. The community and students took a survey to be a part of this study. Mr. Grisdale explained the map that was developed to assist with planning for specific areas. The plan results were set up to show the departments involved. The plan can be reviewed periodically to update certain areas. There were some "Next Steps" that Mr. Grisdale explained as well. If anyone would like a copy of the plan, they are to contact Ms. Warncke.

- Ms. Warncke said Planning Commission needs to make a recommendation to Council for approval of the 2023 Comprehensive Plan.
 - Mr. Shindler made a motion for recommendation to Council for approval of the 2023 Comprehensive Plan; seconded by Mr. Butler. All members voting aye, the motion was approved.

PLANNING ITEMS:

ITEM 1:

REZONING & CONDITIONAL USE PERMIT REQUESTS, SITE PLAN REVIEW

PROJECT LOCATION: 309 LATCHAW DRIVE, DEFIANCE, OH 43512

APPLICANT: ROSS OBERHAUSEN, CEO, ALLY DEVELOPMENT CO., 5618 MORNINGSID DR., CRESTWOOD, KY 40014

Description: Parcel I060023000100 is approximately 21.889 acres located in the NW ¼ OF Section 23 T4N, R4E in the City of Defiance, Noble Township, Defiance County, Ohio. Applicant is requesting a rezoning for a PUD Overlay; a Conditional Use Permit; and site plan review to construct an assisted living facility. The campus consists of a main building and 5 townhomes, each with 6 residences per townhome.

Chairman Clady Rosebrook read the item to all.

NOTE: Ms. Warncke had submitted a Public Hearing Meeting Notice to be published in *The Crescent News* and Public Hearing Meeting Notices were mailed to all property owners within 200' of this item location.

Mr. Ross Oberhausen, CEO/Founder, Ally Development Company, was present to introduce the project. Mr. Oberhausen said they presently have 17-20 senior living developments in NW Ohio. Mr. Oberhausen said the new complex, built through Legacy Living, will consist of a main building (that would provide 65 assisted living senior housing units) and five town homes with six residences in each townhome (which will provide 30 senior housing units) and a memory care unit (which will provide 29 housing units). Mr. Oberhausen explained they conducted a market study of 14 senior living communities in this area, and the average had over 96% occupancy, some were 100% and some had waiting lists. Mr. Oberhausen said the development will consist of 21 acres with a detention area for storm water run-off. Mr. Nathan Waggner, Cash Waggner, was present and explained the detention area and site plan. Mr. Oberhausen wanted to clarify this is not a nursing home complex, it is a senior housing development with assisted living and memory care as well as independent living town homes and restaurant with indoor and outdoor eating facilities.

Mayor McCann asked Mr. Waggner to explain where the development would be located on the overhead map. Mr. Waggner explained the site layout to all. Mr. Waggner said the town homes and main building construction will be started at the same time; the town homes will be completed first and should be up within a year and the main building being completed after 16 months.

Mr. Oberhausen said according to the market study of a 35% capture rate of qualified income households, the assisted living demand was 83, memory care was 43 and independent living was

140. Mr. Oberhausen said they have room to add on to the property and if they decide to do that, they will come back to Planning Commission.

Mr. Hoffman asked if a sidewalk would be included. Mr. Oberhausen confirmed a sidewalk would be installed along the front of the property; they will work with Promedica to connect to their walking paths and to connect to the Promedica property along the east side of the property. All discussed that people walk in the area and utilize Latchaw Drive.

Mr. Waggner said the five independent living buildings had to be moved due to the impact of what was found on the site regarding the wetlands. Mr. Oberhausen said that moving the buildings actually would work better for the residents (they would have a better view).

Mayor McCann spoke with Ms. Sprow about the three access points onto Latchaw. Ms. Sprow said there is a list of items she has discussed with them and will continue to follow.

- Mr. Shindler made a motion to approve the preliminary plan and PUD Overlay and recommend approval to City Council with the sidewalk notation included; seconded by Mr. Hoffman. All members voting aye, the motion was approved.
- Mayor McCann made the motion to approve the Conditional Use Request; seconded by Mr. Butler. All members voting aye, the motion was approved.
- Mr. Hoffman made a motion to approve the Site Plan with the sidewalk addition and final approval by Engineering of the Site Plan; seconded by Mr. Shindler. All members voting aye, the motion was approved.

ITEM 2:

REZONING & CONDITIONAL USE PERMIT REQUESTS,
SITE PLAN REVIEW

PROJECT LOCATION: 492 DOMERSVILLE ROAD, DEFIANCE, OH 43512
APPLICANT: SCOTT AYERS, 14271 JEFFREY RD. #119, IRVINE, CA 92620.
Description: Parcel J050018000200 is approximately 8.5 acres located in the NE ¼ of the SW ¼ of Section 18, T4N, R4E in the City of Defiance, Richland Township, Defiance County, Ohio. Applicant is requesting a rezoning for a PUD Overlay; a Conditional Use Permit; and site plan review to construct multi-family townhomes, a convenience store, retail space, and self-storage.

Chairman Clady Rosebrook read the item to all.

NOTE: Ms. Warncke had submitted a Public Hearing Meeting Notice to be published in *The Crescent News* and Public Hearing Meeting Notices were mailed to all property owners within 200' of this item location.

Mr. Christopher Daoust, 1378 Ironwood Court, was present to represent the item. Mr. Daoust explained that he and his business partner (Mr. Scott Ayers) would like to develop the property that would include a convenience store, an electrical vehicle charging station, multi-family unit housing, storage units and potential retail space.

Mayor McCann explained this area was part of the Harmon business area. Mayor McCann wanted to make sure the residents had a buffer zone from the Harmon industrial development; he feels this is a good buffer for this area.

Mr. Shindler wanted to know if the townhouses would be built first. Mr. Daoust said the convenience store would probably be build first. Mr. Daoust explained that there are so few electric power stations in this area and with it taking 30-45 minutes to recharge their cars, they

would have a place to spend time (at the convenience store) while their vehicles are being charged. Mr. Daoust said there will not be any gas pumps installed. Mr. Daoust explained the overview map to everyone showing concepts of the convenience store, townhouses and storage units. Mr. Robison asked if there would be two convenience stores. Mr. Daoust said one would be a convenience store and the other would be possible retail.

Mayor McCann asked if sidewalks would be installed. Mr. Daoust said they would be installed. Ms. Sprow said the residents from the neighborhood could walk to the convenience store using the sidewalks.

Mr. O'Donnell said if Planning Commission approves these items, it may go to City Council next week. Mr. O'Donnell wanted to confirm the property it would stay as office-residential (O-R) in the PUD. Mr. Daoust said it would stay as O-R.

Mr. Josh Mast asked about the traffic study on Domersville. Ms. Sprow said they are waiting on the results to see if any improvements are required.

Mayor McCann said they would have to come back to Planning Commission if they want to put in a gas station in the future. Mr. Daoust said he understands.

Mr. Joel Youkers, 1246 Pinehurst, wanted to know what part would be affected by the rezoning. Discussion ensued and he was told it would just be the small square in the area (which was pointed out to him on the map overview). Mr. Youkers said where he lives, he won't be affected by this development, however the residents were promised a "Buffer Zone" in the last meeting that was zoned residential multi-family and he would like to see it kept as is and a warehouse not be built. Mayor McCann said it is not a warehouse – they are individual mini-storage units.

Ms. Sprow noted there is detention on the site.

- Mr. Hoffman made a motion to recommend the preliminary plan and PUD to City Council; seconded by Mr. Butler. All members voting aye, the motion was approved.
- Mayor McCann made the motion to approve the Conditional Use Request; seconded by Mr. Hoffman. All members voting aye, the motion was approved.
- Mr. Butler made a motion to approve the Site Plan; seconded by Mr. Hoffman. All members voting aye, the motion was approved.

ITEM 3:

VARIANCE REQUEST

PROJECT LOCATION: 651 CLINTON STREET, DEFIANCE, OH 43512

APPLICANT: RIVERVIEW LAND MANAGEMENT, LLC, 29231 COUNTY ROAD 424, DEFIANCE, OH 43512

Description: Parcel B011009000600 is located in Bouten et al, Block 8, Lot 11 City of Defiance, Defiance Township, Defiance County, OH. Applicant is proposing a solution to the previous issues presented at the March & April Planning Commission meetings. Applicant would like to remove part of the existing wall signs currently in violation of the Sign Code. Doing so would still require the following variances:

- Variance requested to exceed the maximum height of the sign, 2.5 feet, per *City of Defiance Planning and Zoning Code*, Chapter 1179.07.D.3. The height of the sign she is proposing is 6.5 feet.

- Variance requested to exceed the maximum allowable sign area per the *City of Defiance Planning and Zoning Code*, Chapter 1179.07.D.5.

Applicant is allowed 27.5 square feet for the total building. Signs proposed are 87.75 each. There are 2 signs.

Chairman Clady Rosebrook read the item to all.

NOTE: Ms. Warncke had submitted a Public Hearing Meeting Notice to be published in *The Crescent News* and Public Hearing Meeting Notices were mailed to all property owners within 200' of this item location.

Ms. Speiser, owner, was present. Ms. Speiser said they cut off the bottom half of their previous signage after the last meeting. Ms. Warncke noted if they keep the signage as it is, they would still need two variances.

Mayor McCann asked Mr. O'Donnell if we approved this variance today "as is" would this apply only to this sign or any other. Mr. O'Donnell said it would apply to any sign if they stay within the same criteria as approved.

Mayor McCann said no one in Planning Commission disapproved the signage that was there before, but it was not within code and we might possibly begin to see these signs all over the City of Defiance. Mayor McCann said the sign, as it is now 87.75 sf and only 27.5 sf is allowed for the total building. Mr. Robison said there are two signs, one on each side of the building. Ms. Speiser said she reviewed the sign code and could not figure it out. Mayor McCann said the code may be confusing and it will be simplified. Ms. Speiser said her building needed a bigger sign because people can't find her business due to the address. Mayor McCann understood this situation as his former place of employment could not be found when put in GPS.

Ms. Warncke read a letter into the minutes from Wendy Stykemain, 643 Clinton, stating that she feels the signage should follow the rules and regulations (will be attached to the minutes).

Mayor McCann was concerned with other businesses that want to put up a sign of this type, if this signage was approved. Mr. O'Donnell said they would have to apply for a variance to allow for a unique character of their building.

Mr. Robison said he understands the sign Ms. Speiser proposed is trying to meet the historic distinction of the City. Ms. Speiser said she feels her situation is unique and her building is one of the oldest buildings in the downtown area.

Mayor McCann asked Mr. O'Donnell if Ms. Speiser was granted approval of this signage and if another building owner wanted to put a sign up such as the one that Ms. Speiser proposed – would we have to approve it? Mr. O'Donnell said each one would be reviewed separately by Planning Commission.

Ms. Speiser said the building she bought was always a commercial building since 1868 and part of the downtown, it is not a residential area. Ms. Speiser said she is trying to bring back a "gathering place" being near Triangle Park. Ms. Speiser said she is not infringing of people's privacy in residential areas. Mayor McCann said that he might argue that she is infringing on the privacy of the neighbors. Mr. Speiser wanted to know if we were talking about infringing on someone's privacy or signage. Mayor McCann said Ms. Speiser brought up the subject regarding the infringement of people's privacy. Ms. Speiser said she meant privacy regarding residential not commercial.

Mr. Butler said there is a residential neighbor who has concerns with the signage. Ms. Speiser said she thought she did her due diligence with the sign issue.

- Mayor McCann made a motion to approve the Variance requested to exceed the maximum height of the sign, 2.5 feet with a 6.5 foot sign; seconded by – no one made a second. No second – the motion failed.

- Mayor McCann made the motion to DENY the Variance requested to exceed the maximum allowable sign area; seconded by Mr. Hoffman. All members voting aye, the motion to DENY was approved.

OPPORTUNITY FOR PUBLIC INPUT AND DISCUSSION OF TOPICS:

- None.

ADJOURNMENT OF MEETING:

A motion was made by Mr. Shindler, seconded by Mr. Hoffman to adjourn the meeting at 5:40 p.m. All members voting aye, the motion passed and the meeting was adjourned.

Minutes respectfully submitted by,

Connie M. Seimet

Planning Commission Secretary



Niki O. Warncke
Planning Commission Clerk



Jen Clady Rosebrook
Planning Commission Chairman