

## Regular Council

November 13

23

The regular meeting of the Waterville Council was called to order by Mayor Tim Pedro at 7:30 p.m. in the Council Chambers of the Waterville Municipal Building.

The prayer was offered by Mr. Frey. The Pledge of Allegiance was then recited and led by Mrs. Bruno.

Present at roll call were Todd Borowski, John Rozic, Anthony Bruno, Tim Pedro, Mary Duncan, Barbara Bruno and Rod Frey.

Also present this evening was Jon Gochenour, Municipal Administrator; Phil Dombey, Law Director; Steve Schult, Treasurer and Jeni Malaczewski, Recording Secretary.

### Staff Present:

Mark Williams – Director of Finance and Administration

Joe Valvano – Chief of Police

### Citizens Present:

Please see Citizens' Sign-In Sheet, Exhibit A, Page 1 for a list of people present.

### Approval of Minutes

Mr. Frey moved to approve the minutes of the October 23, 2023 Regular Council meeting. Mr. Borowski seconded the motion, which passed by a voice vote.

### Citizens Comments

Scott Jahns, 1207 Applegate St., discussed the possibility of hanging signs on the Council room door when Committee meetings are canceled. It was noted that cancelled Committee meetings are listed on the City's website.

Aaron Christy, 1080 Farnsworth Rd., asked for an update on a nuisance complaint he made at a recent Council meeting about a neighbor's property. Mr. Christy stated that the Lucas County Health Department has inspected the property. Mr. Dombey noted that legal action is being taken against the property owner.

### Staff Reports

Administrator: Jon Gochenour

- Stated that all amendments to the City Charter on the November 7, 2023 ballot were approved by voters and will take affect on January 1, 2024.
- Prairie Trail and Stitt Park improvement projects are nearly finished. A sidewalk needs to be extended at Prairie Trail and all re-seeding at both parks will be done in the spring of 2024.
- The annual holiday dinner for staff and committee members will be held on December 14 at 6 p.m. at the Whitehouse American Legion.
- This year's sidewalk program is substantially complete.
- The bid opening for the third and final phase of Parker Square will be held on December 6.

Law Director: Phil Dombey

- No Report.

Finance Director: Mark Williams

- No Report

Treasurer: Steve Schult

- No Report

## Regular Council

November 13

23

### Communications from Council Members/Committees

Mr. Frey

- No Report

Mrs. Bruno

- Attended the grand opening of “Dazzle Dog” Grooming on Farnsworth Road.

Mrs. Duncan

- No Report

Mr. Bruno

- No Report

Mr. Rozic

- Attended the Fire Co-op meeting. Stated that the ALS contract is not finalized.
- Attended the Taco Bell Grand Opening.
- Thanked Wendy Gray for all her hard work decorating Downtown for Christmas.

Mr. Borowski

- Stated he stopped at Buffalo Rock Brewery to following up on noise complaints and asked if there were any complaints made that exceeded the City’s noise ordinance. Mr. Gochenour stated that the police department uses a sound meter and registered noise above 65 decibels from the front of the building twice this summer.
- Mr. Borowski also discussed multiple complaints about Republic Services dumping trash in the road when emptying bins.

Mayor Pedro

- Wished the City a Happy Thanksgiving.
- Stressed the need for everyone to come together as a community following the recent election as we transition at the first of the year with two new council members.

### OLD BUSINESS:

- A. ORDINANCE 08-23 AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A SELF-STORAGE UNIT FACILITY FOR A PROPERTY LOCATED IN THE 1400 BLOCK OF PRAY BOULEVARD  
*Third Reading, Public Hearing and Administrative Action (Tabled 9/25/23)*

DFG Waterville Landings LLC, property owner, has submitted a Conditional Use Permit application for a proposed 538-unit, self-storage facility to be located on a 6.7-acre portion of a vacant 36.97-acre parcel located in the 1400 block of Pray Boulevard adjacent to the Waterville Place Apartments and across the street from the Story Point Senior Living Facility. The planned project will consist of seven (7) buildings and will require conditional use, lot split and site plan review approval from the Planning Commission and City Council. A variance from Section 1145.05 (d) (l) (F) "Off-Street Parking and Loading Requirements" was approved by the Board of Zoning Appeals (BZA) on July 13, 2023. The variance was requested due to the applicant's desire to reduce the number of parking spaces required for self-storage units. The City Zoning Ordinance currently requires five (5) parking spaces plus one (1) for each ten (10) storage units. With a total of 538 units planned, 59 parking spaces would be required for this development. The recent variance approval by the BZA reduced the number of required parking spaces from 59 to nine (9). In reviewing the parking requirements for self-storage units in other local communities, the BZA believed

## Regular Council

November 13

23

that Waterville's regulations were much more restrictive than necessary. For example, most neighboring communities require four (4) spaces per facility plus 1 additional space per employee. On January 9, 2023, City Council denied a request to rezone 12.57 acres of this parcel from commercial to multi-family residential since the change was contrary to the goals of the 2012 Comprehensive Plan.

A review of the site plan indicates that it lacks the required detail needed for final site plan approval. Due to the uncertainty of final project approval, the developer has stated that the information provided on the site plan is for Conditional Use Permit approval only. Consequently, if the proposed Conditional Use Permit were approved by City Council, the applicant would submit a more detailed site plan for final approval by the Planning Commission and City Council which would address all of the requirements contained in Chapter 1146 of the City Zoning Ordinance including landscaping, lighting, signage and utility improvement plans. The submittal of a detailed landscaping/screening plan is particularly important due to the generally unattractive exterior view of such facilities. In addition, the turning radius around the corners of the proposed storage buildings appears to be too narrow to accommodate a fire truck. Also, due to the large number of storage units planned, a waterline needs to be extended to a central location on the site for fire protection purposes. If the site is planned to be enclosed by a fence, the design should be appropriate and not detrimental to the surrounding development. Lastly, the site plan should indicate how equipment will access the planned detention pond area to perform future maintenance.

Under the City Zoning Ordinance, the following criteria shall be used in considering a conditional use application by the Planning Commission and Council: (a) The conditional use is necessary or desirable for the public convenience at the location; (b) the conditional use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected; (c) the conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located and; (d) the conditional use conforms, with the exception of planned developments, to the applicable regulations of the district in which it is to be located, including yard and height restrictions, and also conforms to the requirements for off-street parking and loading facilities as set forth in Section 1145.05.

In addition to the criteria mentioned above, the Planning Commission may recommend and Council may provide "conditions of approval" on the construction, location and operation of the proposed conditional use. All approved conditional uses shall incorporate by reference a detailed site plan and any deviation from or modification of the site plan shall require Planning Commission review and Council approval. Any approved conditional use shall be subject to periodic review by the Planning Commission and Council to ensure that such use continues to be compatible with the permitted uses in the zoning district. At their August 7, 2023 public meeting, the Planning Commission recommended disapproval of the proposed conditional use permit for the development by a vote of 4-0 with one member absent.

In addition to the conditions recommended by the zoning office staff, Councilman Rozic offered the following additional conditions on the operation of the proposed conditional use:

1. No outdoor storage of any kind on the property outside of a rental unit, including, but not limited to, boats, vehicles, trailers, equipment, etc.
2. No public access to the facility between the hours of 11 p.m. and 7 a.m.

## Regular Council

November 13

23

3. No on site auctions of any items stored, abandoned or delivered to the facility.

Mayor Pedro made a motion to take Ordinance 08-23 off the table, Mrs. Duncan seconded the motion, which passed by a unanimous voice vote.

Mrs. Duncan moved to adopt Ordinance 08-23. Mrs. Bruno seconded the motion.

Roll Call: Mayor Pedro – yes, Mrs. Duncan – yes, Mr. Bruno – yes, Mr. Borowski – yes, Mr. Frey – abstain, Mrs. Bruno – yes and Mr. Rozic – yes. The motion passed.

### B. ORDINANCE 09-23 AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A HOTEL FOR A PROPERTY LOCATED IN THE 600 BLOCK OF PRAY BOULEVARD

*Third Reading, Public Hearing and Administrative Action (Tabled 9/25/23)*

DFG Waterville Landings LLC, property owner, has submitted a Conditional Use Permit application for the construction of a hotel located off of Pray Boulevard south of St. Rt. 64/ Waterville Swanton Road. The proposed location is south of the O'Reilly's Auto Parts Retail Store on the east side of the road at the current dead end of Pray Boulevard. According to the site plan, the hotel would be located on the undeveloped 2.96-acre portion of the proposed amphitheater parcel. The planned hotel would be four (4) stories and contain 100 guest rooms. Based on the number of rooms indicated, the hotel is required to provide 125 on-site parking spaces; 144 spaces are provided. The hotel is located slightly to the north of an existing 30-foot telephone utility easement which crosses the southern portion of the site. The preliminary elevation drawings illustrate the hotel's exterior design with a planned building height of 50 feet. Although the colored elevation drawing indicates "TownePlace Suites by Marriott" as the hotel operator, the applicant has stated that no specific franchise affiliation has been selected at this time. A review of the site plan indicates that it lacks the required detail needed for final site plan approval. Due to the uncertainty of final project approval, the developer has stated that the information provided on the site plan is for Conditional Use Permit approval only. Consequently, if the proposed Conditional Use Permit were approved by City Council, the applicant would submit a more detailed site plan for final approval by the Planning Commission and City Council which would address all of the requirements contained in Chapter 1146 of the City Zoning Ordinance including landscaping, lighting, signage and utility improvement plans. Moreover, with approval of a Conditional Use Permit, final elevation drawings would also be provided illustrating the exterior design of the building since a franchise affiliation could then be finalized for the operation of the hotel.

Although the planned hotel would obviously benefit from and support the operation of the proposed amphitheater, the applicant has also submitted a market feasibility study which indicates that a hotel would be successful due to its location in the metro Toledo hospitality market with or without the construction of the planned amphitheater. This conclusion seems logical considering the close proximity of Pray Boulevard to U.S. 24 which is only a few miles from the I-75 and Ohio Turnpike Interstate Highway Systems which carry thousands of vehicles per day. Moreover, the development conforms with the City's 2012 Comprehensive Plan which emphasizes nonresidential development in this area and encourages land uses which will diversify and strengthen the City's tax base. Even without the amphitheater, construction of a hotel at this location would allow the City to take advantage of its existing 3% hotel tax and serve as an anchor for future dining, cultural, shopping or other entertainment opportunities which will create new jobs and benefit from nearby interstate vehicle traffic.

## Regular Council

November 13

23

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In addition to the criteria mentioned above, the Planning Commission may recommend and Council may provide "conditions of approval" on the construction, location and operation of the proposed hotel use. All approved conditional uses shall incorporate by reference a detailed site plan and any deviation from or modification of the site plan shall require Planning Commission review and Council approval. Any approved conditional use shall be subject to periodic review by the Planning Commission and Council to ensure that such use continues to be compatible with the permitted uses in the zoning district. At their August 7, 2023 public meeting, the Planning Commission recommended approval of the proposed conditional use permit for the development by a vote of 4-0 with one member absent.

Mr. Bruno made a motion to take Ordinance 09-23 off the table, Mrs. Duncan seconded the motion, which passed by a unanimous voice vote.

Mrs. Bruno moved to adopt Ordinance 09-23. Mr. Bruno seconded the motion.

Roll Call: Mayor Pedro – yes, Mrs. Duncan – yes, Mr. Bruno – yes, Mr. Borowski - yes, Mr. Frey – abstain, Mrs. Bruno – yes and Mr. Rozic – yes. The motion passed.

### NEW BUSINESS:

- A. ORDINANCE 12-23 AN ORDINANCE AMENDING CHARTER 172 OF THE WATERVILLE MUNICIPAL CODE OF ORDINANCES REGARDING MUNICIPAL INCOME TAX IN COMPLIANCE WITH OHIO HOUSE BILL 33

*First Reading Scheduled for November 13, 2023; Second Reading Scheduled for November 27, 2023; Third Reading and Legislative Action scheduled for December 11, 2023*

The Ohio General Assembly recently passed House Bill 33 which mandates several changes to municipal income tax laws in Ohio. The Regional Income Tax Agency of Ohio (RITA) has prepared updates to local income tax ordinances to comply with the provisions of House Bill 33. The proposed Ordinance would adopt the income tax changes recommended by RITA.

- B. RESOLUTION 51-23 A RESOLUTION APPROVING AND ADOPTING THE CITY OF WATERVILLE FY 2024 FIVE-YEAR CAPITAL PLANNING PROGRAM FOR ALL MUNICIPAL FUNDS AND DEPARTMENTS

This is the annual 5-year Capital Planning Program. The Finance Committee discussed and recommended approval of the program at a special meeting on October 20. This item is for ongoing discussion throughout the budget preparation process.

**Regular Council**

**November 13**

**23**

Executive Session

Mr. Rozic made a motion to move into Executive Session for Consideration of a Matter per ORC 121.22(G)(3): imminent and pending court action at 8:30 p.m. Mr. Borowski seconded the motion.

Roll Call: Mayor Pedro – yes, Mr. Frey – yes, Mr. Bruno – yes, Mrs. Duncan – yes, Mr. Borowski – yes, Mrs. Bruno – yes and Mr. Rozic – yes. The motion passed unanimously.

Return to Regular Session

Mrs. Duncan made a motion to come out of Executive Session and resume the regular Council meeting at 9:00 p.m. Mr. Rozic seconded the motion which carried by unanimous voice vote.

Other Business

None

Adjournment

There being no further business to come before Council, Mrs. Duncan made a motion to close the meeting at 9 p.m. Mr. Bruno seconded the motion, which carried by a unanimous voice vote.

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Jon D. Gochenour, Clerk of Council

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Timothy G Pedro, Mayor