

**PERRYSBURG TOWNSHIP ZONING COMMISSION
26609 LIME CITY ROAD
PERRYSBURG, OH 43551**

**ZONING COMMISSION MEETING
January 9, 2006**

The Perrysburg Township Zoning Commission held a meeting on January 9, 2006, at 6:05 p.m. Robert S. Black, Chairman, opened the meeting. A roll call was taken. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded.

MEMBERS PRESENT: Robert S. Black, Jeff Schaller, Carol Warnimont, John J. Benavides, and Arthur Rometo.

MEMBERS ABSENT: Stephen J. Stanford and Jeffrey Normand.

APPROVAL OF AGENDA: Ms. Warnimont moved with a second by Mr. Rometo to approve the agenda. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Rometo, Mr. Benavides, Mr. Schaller, and Mr. Black. Motion carried 5-0-0.

APPROVAL OF 12/12/05 MINUTES: Mr. Black asked if there was a motion to approve the minutes. Ms. Warnimont noted there were a couple of corrections that need to be made. On page 3 at the very top of the page it should be building 7, not building some, and on page 12, the fourth line up from the bottom of the first paragraph it should be trees and not treed. Mr. Black asked if anyone else had any changes or if Ms. Warnimont had any others, and she said that was it. Mr. Black asked if there was a motion to approve the amended minutes. Ms. Warnimont moved with a second by Mr. Schaller to approve the corrected minutes. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Schaller, Mr. Benavides, Mr. Rometo, and Mr. Black.

Mr. Black swore in all in attendance who wished to address the commission this evening.

ZONING CHANGE APPLICATION NUMBER ZC 2005-05. A completed zoning change application from David A. Polzin, Trustee, and Gary J. Haas and Nancy J. Hass was brought in to our office. The property is to be developed by Grassy Creek Developers, LLC. They would like to develop an adult independent living community at this site. The entrance to this property would be just south of 28670 Simmons Road. There is also land included at the end of Wyandot Place. The combined parcels are approximately 31 acres in Sections 33 and 34 of Perrysburg Township and are located on the east side of Simmons Road just north of SR 795, northwest of I-75, and north of Wyandot Place. The property is presently zoned R-2 (Suburban Residential District, low density) and A-1 (Agricultural District). They are requesting that the zoning be changed to PUD-RS. The PUD footprint would contain approximately 165 individual living units

that would be distributed throughout the property in the form of two, three, four, and multi-family buildings. The Wood County Planning Commission reviewed the proposal on 1/3/06 and recommended unanimously to deny this request as presented. A copy of their letter is attached along with a related article. The properly detailed drawing had not been distributed to them. A copy of it, along with a newly revised one, is included. It could be resubmitted to the WCPC for their comments.

Leonard Michaels addressed the commission regarding this application. Mr. Black said he understands there was some confusion down at the PC about the detail of the engineering drawings that were given them, and Mr. Michaels said correct. They submitted a full package, however some information was not distributed to the commissioners nor to the chief engineer, and he already met with him. Mr. Black said he met with him on Friday; correct, because he spoke with him this morning. He asked him what they had before them. Mr. Michaels said they have a complete package, and he dropped it off the following day. And he already incorporated a correction and clarification that came out of the meeting, and he can demonstrate that to them. Mr. Black asked if he was aware that the PC did deny the application, and he said correct, they denied it. Mr. Black said it is their understanding that the Wood County planner will allow them to resubmit, and he asked if that was true, and Mr. Michaels said correct. Mr. Black asked Mr. Garn if that was his understanding, and Mr. Garn said yes, it is. Mr. Michaels said they already dropped off required documents to the township. Mr. Black told him to go ahead then and share it with them.

Mr. Michaels said this particular development they are trying to put in is an adult independent living community consisting of single story houses.

Mr. Black told the audience if they could not see, and Mr. Michaels offered to turn it around, and Mr. Black said they need to see it also, but there are some chairs they could move to. Mr. Michaels continued saying consisting of single story buildings.

Mr. Smith asked Mr. Black if they could have more copies of this hearing stuff, and Mr. Black asked what it was. Mr. Smith said it was the agenda. Mr. Black said he did not know if they had any extra. He told them to just share it.

Mr. Michaels continued saying this development consists of two, three, four unit clusters and an apartment type of building. What they tried to do was to lay it out in such a way that the roadway and the utilities are to the standard of the WC engineering office, although this is considered private roadway. They do have a wet pond here that will be used as a detention pond. They have a detention pond here to back off the storm sewer so they do not increase run-off into Grassy Creek. They plotted out a hundred year flood plan all the way through to demonstrate that they are staying well outside and above the flood plain, so they have no flood plain infringement whatsoever. This drawing was actually distributed to the WC commissioners, and he agrees there is not much there to render any opinion. And that's why they denied it. Now, they suggested

for them to provide additional emergency access for fire protection, and they already demonstrated that by putting a key drive with a gate, and the keys or remote for that gate will be given to emergency services in order to enter to the site in case if this drive then exiting to Simmons Road is blocked off for whatever reason. Another question came up, is the location of a fire water loop around the major building in relationship to the building itself, and one of the commissioners mentioned there is a number of 50 feet. They already showed that on the drawings in several places. They clarified it as to where, and they are well outside the 50 foot requirement. They did run a traffic study to demonstrate that this particular development versus residential development, which it is already zoned for, the majority of that area, they will actually generate less impact on traffic versus single-family housing. It's not going to be less traffic, it will be less impact during normal traffic patterns, which is work days in the morning during peak hours, and work days during evening peak hours. They expect this development to be for adult independent living which is 55 and older, and this particular population, the majority of them don't go to work in the morning. So that was justification for why they would generate less traffic. They actually shared this traffic study with the board, and they went through eight or nine options of doing different things to accommodate. For example, the fire chief of Perrysburg Township requirements. Like he said, he met with Mr. Huber, who is the WC chief engineer, and he discussed certain aspects of the drive, and the section itself is per the county standard which is acceptable. A lot of times when people propose PUD's, they try to economize on certain areas. And they do not have that approach. They are trying to do sound engineering and construction practices here. That is about it, and if they have any questions, he would be happy to answer them.

Mr. Black said he would like to share with the members that he would like to continue the public hearing until they have had the WCPC review it. He asked if that was acceptable to the members, and they agreed. So what they will do, since this is the scheduled public hearing, and they will listen to any input that they have, and they will continue it to next month. At that point they should have information from the WCPC so they can make a better decision. So based on that, he asked if there was anyone present who would like to address the commission. He said they would start in the front row, and have each person stand and state their name and address.

Jim Bennett addressed the commission regarding this application. He said he attended the WCPC meeting, and one of the things that was brought up was that there are certain limitations on cul-de-sacs as far as the length of it, and it was brought up that this did not meet those qualifications. It was too long as to over the limitation. He just wondered if that was addressed. The gentleman said he had brought some changes to the PC. Mr. Michaels said correct, this is a true statement. You have to have 600 feet or less for a public right-of-way. Beyond that you cannot put a cul-de-sac. This is not public right-of-way, this is a private road. He wondered if he recalled briefly they were asked specifically if this was going to be a public roadway or private roadway.

And in this particular case, for example, this is beyond 600 feet. This was the old standard. Now they have no cul-de-sac, they have a loop that goes all the way around. And originally they did not have that. And the fire chief, he believes, brought it up to their attention. So they reduced the size of the building, and they looped it with the perimeter drive. Furthermore they provided that emergency access. You see, the concern is it's too far from the main road, and if the emergency vehicle gets in, they have a problem getting it out. That's why they did what they did.

Mr. Bennett said his question also, and he knows that on some of these developments that they are considered private drives until the development is complete, and then the drive reverts back to the township once the development has been completed. He asked if that is what was planned for this. Mr. Michaels said that is not the intent of his developer. However, not even having that as their original intent, they are designing that roadway so it does meet WC's standard, and that's why Mr. Huber was asking him regarding that cross section, to see if it's to his satisfaction.

Mr. Bennett said one other thing that he wanted to bring up was that they say this is an adult independent living community. He knows there has been other adult living communities that have been developed, and there are lawsuits stating that they cannot limit the people that go into those. In other words, you can say it's for adult living, but if someone with a family comes in and wants to purchase a unit, there is no way that you can deny it. And with the traffic studies being done based on it being an adult living community, he does not see how they can be valid if you cannot control who comes in there. If it would be developed and all families come in there, it's not going to be meeting the same criteria that he's talking about. Mr. Michaels said he agrees with that statement. However, those were adult active communities, not adult independent age restrictive communities. And that particular requirement can be deeded to the property and written in the PUD itself that it is age restrictive. You can do that. The article appeared a couple of months ago in The Toledo Blade. Those two developments that were mentioned there were adult active communities. At that point it's a different criteria. Mr. Bennett said this is going to be deeded. Mr. Michaels said correct, they can put it in as adult independent living community. And just like the commissioners mentioned, they don't want to approve something that is vague, if he recalls. They want to approve something that is exactly what's on the drawing. So they have no option later on. They changed the use. For that they have to go back and ask for it. And that's why it is done. The PUD is a very good device for communities to control what goes in there. Mr. Black thanked Mr. Bennett.

Greg Harbauer addressed the commission regarding this application. His question is the gentleman said it's a single story, and that includes the community building, and the response was correct. Mr. Harbauer asked if he had the total height what that would be, and the roofline. Mr. Michaels asked Mr. Burns if he had that right now. Mr. Burns said he does not know off the top of his head, but he knows it's less than 35 feet, 32 feet, whatever the requirement. Mr. Harbauer said his question is just really

aesthetically from looking back through his back yard, would he be able to see into that building, especially in the fall and the winter. Without knowing what the property is going to actually look like, and this is a footprint that doesn't show the architectural work on it, is there anything that is already in print that they can see. Mr. Burns said he does not have that with him. They have concept designs. Mr. Michaels said they could conceptualize and bring that to the next meeting perhaps. But at this point he is trying to emphasize that they are not going two-story, and the reason being is because they want this development to blend in to the neighborhood and not stick out as a sore thumb.

Mr. Harbauer said that was one of his concerns. He said another concern is the number of parking lots that they have around that building, and he wanted to know how many that includes. Mr. Michaels said he believes they did one or one and a half per unit. He has to go back to his calculations. They have done adult independent living projects in Michigan using the Michigan Senior Housing Association, which is a government run organization which recommends 1.5 per unit parking, but they will work with the township's requirement and the City of Perrysburg as far as that is concerned.

Simon Rodriguez addressed the commission regarding this application. He told the commission that his property is backed up by Grassy Creek where it turns. Periodically when it rains, the creek will get dammed up, and the water backs up and floods into his property and the one next to it, and that he periodically has to physically go into the creek to clean it up. His question is will they maintain the water flowing properly to avoid any flooding. With all of the increased homes, this could be a problem. The response to that was that this particular detention pond is a hole in the ground that will hold all the increased run-off from the development, and it will release it at a controlled rate that will not exceed the existing rate from this particular type of soil, which is considered farmland which is undeveloped. That's the same thing they have done here. So they are going to hold back all the water. That's why they went to the expense of building those ponds. So all the water that during the run-off is increased on hard surfaces is going to back it up and release it at a controlled rate so it will not affect anybody upstream. Furthermore they are proposing a culvert here to cross. That culvert will be sized in such a way so it won't restrict the cross section of the flow, and that culvert will have to be approved by WC. So there are checks and balances in the system to make sure it's controlled. Mr. Rodriguez said the water will most likely flow properly, and the response was correct, by two reasons. Number one, they are trying to be good neighbors. And number two, WC won't let them put anything inferior in there as far the cross section is concerned.

Mr. Black said Mr. Rodriguez brings up a good point. How do they assure that if they get a torrential down pour during construction, that they are sure that there is no obstruction in that creek. The response was they will apply for an erosion control permit with Ohio EPA, BG office, and they will have to demonstrate to them that there is no run-off going into the creek that will possibly pollute it and restrict the cross

section. And if that happens, they suffer heavy fines. Mr. Black said so they are saying if a construction worker leaves that piece of culvert in sideways for the weekend or whatever and it rains hard, Mr. Rodriguez does not have to worry about that. Mr. Michaels said that won't be the case, because they are going to have to dig those ponds first. Before they do anything, they have to dig the pond, put the soil down, and surround it, and already back it up. He cannot guarantee catastrophic events. But the design storm is a 25 storm, and they will be well within that range because the majority of that development will not be in place when they dig the ponds. So they will have a considerable buffer.

Mr. Rodriguez said the water is so strong that it really comes down and removes some of the trees, and they dam up the area. Mr. Michaels said they are going to build those ponds to hold it back is what he is trying to say. So he cannot control what comes off upstream. What he can control is this area. They are well within the standard, and probably beyond the standard because this pond, roughly the bottom of the pond, will be at six eleven. So they have probably eight to ten feet that will gradually have to be filled in with water, which he just reflected a pull characteristic, and then the top two feet will be used for detention. So they have a considerable buffer.

Gary Bohaczenko addressed the commission regarding this application. A couple of concerns he has kind of goes back along with other comments as far as the traffic studies, and they are going to have an awful lot of visitors and medical traffic in and out of there. His understanding is the back part is mainly for like Heartland type care. Mr. Michaels said no, adult independent living does not provide for medical staff at hand. It's nothing more than apartments for age restrictive adults. If they require health care, constant health care, if they are at the age when they have to move into the nursing facility, they won't be here because of that. Mr. Bohaczenko asked how do they calculate that as far as how many ambulance visits someone has to have. Mr. Michaels said you can't calculate how many people will need ambulatory care in this area any more than you can for this area. If the people in this particular neighborhood start to age, he cannot evict somebody from there any more than he can do here just because they reach a certain age. However, at a certain age people are not capable of taking care of themselves, and that's where either themselves or their relatives will move them into a nursing home.

Mr. Bohaczenko said he guesses another concern is presently there is no light at the end of Simmons and 795, and already as is, and he understands being a developed facility, they are trying to limit the times of traffic. But as was said before, there still will be people there that are going to work every day, and there are going to be a lot of visitors or whatever, so they are still going to have a definite increased flow of traffic. So is there going to be any kind of a turning lane there to not disrupt that as much, or is there anything been planned for that. Mr. Michaels said the purpose of that traffic study was to show the difference in this area being developed as a subdivision versus adult independent living. They will have stop signs here. One type of traffic they won't

see here is bus traffic. School busses. That won't be there. So right now they are suggesting they will put in stop signs. Now, he cannot control Simmons Road and 795, but the purpose of the study was not to show that it's a little impact, the purpose of the study was to show that it's a lesser impact versus being this land developed based on the current zoning where they aren't even required to have public hearings. That's all.

Mr. Bohaczenko said this was for his own knowledge, and he is sorry, and that he has heard everything as far as an ambulance, or a fire truck, or everything is fine as far as getting all the way to these back corners. Mr. Black said it's been reviewed by the fire department and the township. Mr. Michaels said he would like to elaborate on that. They had several meetings with the fire department staff of the township, and they gave them their advice and suggestions. For example, they showed coverage. Those gas lines are covered actually for fire hydrants. So as they can tell, the property is more than adequate to cover it from that standpoint. Also they suggested to put in a perimeter drive so they would have easy access, and they don't have to back in and out to expedite the response time. Last but not least, this connection was suggested by WC, and they are responsive to that, too. Mr. Black asked if there was anyone else.

Don Smith addressed the commission regarding this application. He just wants to make a comment. He wants somebody to go over and tell this guy over here that he has no problem with growth, with water problems in this area. Since they have created all this growth on Thompson Road, this guy over here looks like a lake. They are backing up all the water all the way down Thompson Road all the way to 20. He is sitting with water completely surrounding his home. Now, where are they taking into concern for this. These people are concerned about water treatment. He would be concerned, too, because all this growth they are getting. He does not care if it's a county level or a township level. Nobody is addressing this drainage problem. There are apartments in this area right here at this meeting tonight that this space depends on their quality of water drainage. You cannot tell him the last rain storm they had, there was water standing all over the place because their drainage is backing up. They get Emerald Lake over there. They have acreage down the road they are proposing, another hundred acres. There is 41 acres at another property. They get all these draining into that. He is telling them they will not be able to control the drainage. And this guy over there might as well go and raise rice because that's what he's going to have.

Mr. Black asked if there was anyone else. Ms. Warnimont said she had a question. They have eight handicapped parking spaces over there in front of the building, and they show nine in all around the rest of that building. What if someone was that far back that they needed to have handicapped parking, and how are they going to be able to do that. Mr. Michaels said the purpose of this drawing was to demonstrate a footprint, an overall layout of water, sewer, and storm sewer. That particular need for handicapped parking will be taken care of in the detailed engineering phase. For example, you do not see profiles, although they are not necessary, but they will provide profiles for all the sanitary sewers and the water range in order for constructability. At

the same time they will take care of pavement structure, how thick it is, the curbs, and the handicap parking. They will have to meet the requirements of the township and the city.

Mr. Black asked if they had a landscape plan. Mr. Michaels said they will have to develop landscaping plans at that point. They already discussed it with the city as far as the requirements. They had a meeting with him early in the stages in this project, and he explained to them what they have to meet in order to get their services.

Mr. Black asked if there was anyone else, and then he asked if there was a motion to continue this hearing until the next meeting, and Mr. Garn said it's February 13th. Mr. Black said a motion to continue the hearing for the application until February 13, '06, and hopefully by then, because they are doing this because of what the WCPC did last Monday. Mr. Schaller moved with a second by Mr. Benavides. Mr. Black asked if there was any further discussion, and he asked for a vote on that. A roll call vote was taken. Yes votes by Mr. Schaller, Mr. Benavides, Mr. Rometo, Ms. Warnimont, and Mr. Black. Motion carried 5-0-0. Mr. Black said what that means is there will be another public meeting in WC, and he is not sure when that date would be. Mr. Garn said that would be February 7th. Mr. Black said February 7th, and then hopefully they will have a response from the WCPC, and this hearing will be continued until then. He thanked everyone for coming this evening.

Mr. Black asked if there was anyone who had anything to bring to the commission's attention that was not an agenda item, and there was no response.

PUD Amendment – Major/Minor. Stone Gate Villas. Dean Radeloff, PE, of Jefferson Development, LLC, the developers of Stone Gate Villas on Thompson Road, are requesting to change the size and location of their development entry identification sign as specified in Article VI, Section I.1.b.(3) which allows for "adjustments in the size and location of development identification signs." As a side note, Article X (Signs), Section K (Signs in the public right-of-way), 1,d allows "subdivision area identification signs located in a boulevard at the intersection of streets of the subdivision with major streets of the township, subject to placement review by the BZA, which shall consider site distance issues and safety concerns." On 12/20/05 at their public hearing the BZA read Jefferson Development's letter of 12/19/05 and dismissed them without prejudice. They are asking for approval of this proposed change.

Mr. Black asked if there was someone present representing Stone Gate. He then asked if the members had any comments, and then asked Mr. Garn if he had anything to add. Mr. Garn said he was not sure, he could try to call and see if he could find them. Mr. Black said no. He then advised the people in the audience that they have a meeting going on here. Mr. Garn said they would have to leave the room for discussions. He then asked Mr. Garn to capsulize the issue before them.

Mr. Garn said the issue is that they have a sign in the boulevard, in the entryway, and it was approved by the ZC. And the drawing, as they can see, that the sign, and there is a rectangular little house behind it, that they are shown as what you would call behind the right-of-way line. And when they were actually built, the sign was built part way into the right-of-way. And so a sign like that, there is a section in the book where signs can be built in the public right-of-way, but they did not apply for it that way. So what they were doing was they wanted to come to the ZC and go under the major/minor section of the PUD. There is a sentence in there that says that they should come to the ZC for major/minor amendments for the placement of signs. Mr. Black said, but they would normally come for a decision for a major/minor before they built it, and apparently they built it in the wrong spot. He asked if that was a correct statement. Mr. Garn said that's a correct statement, that they probably should have before they built it. So they didn't. It was thought that they should go to the BZA, and then they found that section in the PUD section, so they thought that's where they should go. So that's why the BZA took them and dismissed it without prejudice so that they could go back to the BZA. Now the BZA would look at it for safety issues and siting issues and such. Mr. Black said he would suggest that they defer it until next month. Obviously they are not that concerned about it if they are not here. Mr. Garn said yeah, there has been some mix-up. It could have been his fault or theirs, he is not sure. Mr. Black said he would make a motion to defer it until next meeting.

Ms. Warnimont asked Mr. Garn what the difference between the two is, the signs. Mr. Garn said the sign that's rounded, that is what was approved, and the sign that's rectangular with the little piece on top of it, that is what they have temporarily put up. What they did, he told them to stop. They were building the wall, and he could see something was not going up correctly according to the design. So they stopped. They were in the middle of opening the project, so they took the sign that had the couple posts on it and just stuck it down in there temporarily.

Ms. Warnimont asked, is the new one they are trying to put up now bigger or smaller than what they were initially to do. Mr. Garn said he thinks it's slightly larger. Ms. Warnimont said this one is slightly larger, and Mr. Garn said slightly larger. Mr. Black said plus it's in the wrong spot. Mr. Garn said right, and Ms. Warnimont said correct. Ms. Warnimont asked if they have the room to move it back. Mr. Garn said they probably don't have the room to move it back, because the drawing that they have, the one that was done on November 3rd of '05, that is a current drawing showing where the right-of-way actually is intersecting the sign. Mr. Black asked what type of sign do they have up there now. Mr. Garn said they have the sign up there now which is the rectangular sign with the little piece. Mr. Black asked if that was the size that they applied for, and Mr. Garn said approximately, but it's a little larger, though.

Mr. Black asked if they had a permit for it, and Mr. Garn said no, they do not have a permit for it. That's why they were going to go to the BZA also to plead their case. Mr. Black said he does not understand how they put the sign up. Mr. Garn said he can go

and ask them to completely remove the sign at this time. Mr. Black said he would suggest that he ask them to remove this sign. In fact, he will make it in the form of a motion. He will make a motion that they defer this issue until next month, and that Mr. Garn contact them tomorrow and ask them to remove the sign. Mr. Garn said okay.

Mr. Schaller asked who should ultimately approve where this location is. Is that the ZC or the BZA. Mr. Black said well, they have a PUD layout that's been approved by them, and it does not meet that requirement. And what they should have done is asked this before they put it in. Mr. Schaller said yeah. Mr. Garn said correct, and they did not know that they were putting it in the wrong location until they had already started constructing it. They thought they were in the right location. Mr. Black said that's their story, and they are sticking to it. Mr. Schaller said assuming it's an honest mistake, how do they get the thing rectified as far as the decision whether if they can or can't put it there, or what they need to do. How do they end up getting it resolved. Mr. Garn thinks it would be a two-tier process. Mr. Black said he thinks the BZA would be looking for a recommendation from them, but it has to go before the BZA, and Mr. Garn said eventually. He thinks Mr. Black is correct that they are looking for a recommendation one way or the other. Mr. Black said he would like to see what the developer has to say. Mr. Schaller said represent himself. Mr. Black said represent himself.

Mr. Smith made a comment that he could enlighten him on some of this right here, and he said this is their zoning book. Mr. Black said he could talk with Mr. Garn. This isn't a public hearing. He can talk to Mr. Garn about that in his office. Mr. Smith said he did that. Mr. Black said good, he can do that.

Ms. Warnimont said she would second Mr. Black's motion. Mr. Black asked if there were any other comments. A roll call vote was taken. Yes votes by Mr. Black, Ms. Warnimont, Mr. Rometo, Mr. Benavides, and Mr. Schaller. Motion carried 5-0-0.

PUD Amendment—Major/Minor. Hamlet Glen. Tim McCue of McCue Homes, LLC, owns the triangular piece of land which is located on the south side of East River Road, across from Duxbury Lane (Foxborough Subdivision), and between Ford Road and the Hamlet Commons. It is about 1.75 acres in size and is zoned PUD-RS. The PUD was approved in 1993 for two single units and one zero lot line unit. They would like to develop this property, and a copy of their proposed changes are included along with copies of the original 1993 submission. They are asking for a determination of whether this is a major or minor revision to the PUD.

Walt Opaczewski addressed the commission regarding this amendment. He started off by saying that he understands that at the last meeting the commission had quite a few questions and concerns on this project. Mr. Black said yes, they did. Mr. Opaczewski said one of the things that they did do, they did revise their site plan. He is not sure if they have got a new revised site plan on this one. Their concern was with parking

within the front yard, which they have eliminated that. The other concerns they had were some of the rear yard setbacks, and he thinks they have addressed this with a new layout.

Mr. Black said they had some questions whether it was even the same property. He wondered if that was passed along to him. Mr. Opaczewski said yes, he did pass that along. The drawing that they received from Mr. Garn on this project, he met with the engineer who did probably everything for Cavalear Corporation for many years, and he brought that report in to him asking him the same question. What he wanted to find out, was it his report or not. And he did not prepare that one. That was not prepared by him. He did inform him that the 3.79 acres that's on that drawing, that's the total acreage of this parcel and also the parcel next door is what he informed him on that one. All they could figure when he had his meeting is that McKenzie Builders, whose name is in the bottom left hand corner, must have prepared this drawing himself because that three seventy-nine was probably from an overall drawing he shrunk down somehow. The five eighty-seven point seven eight at the bottom part of the drawing, that's an overall distance going between the two parcels. So obviously when he put this thing together, he has the proper legal description in the upper left hand corner, the 1.75 acres, but his drawing was not really very accurate. It is their understanding that the property, and they can correct him if he is wrong, but this property has been approved for 4 units. He thinks that's what they have determined, these 4 units, being what's approved now, as far as they know is approved. The building next door is a one building, four-unit building, so this was not a continuation of the next property at all.

Mr. Black asked if any of the members had any questions, and then he asked Mr. Garn if he had any comments. Mr. Garn had a comment about this, and this is something that the members know nothing about. There was a department head meeting today where this drawing was looked at, and they had two questions or suggestions. One was having the possibility of moving the entry somehow so it would be directly across from Duxbury Lane. That was one question. Because of traffic flow issues. The other thing that they suggested, that they get in contact with ODOT. They wondered if ODOT would have any questions about more curb cuts or things like that. These were just things that came up in the conversations.

Mr. Opaczewski said he thinks with this type of a layout, it would be difficult to line up with Duxbury Drive with the four units that they have on here. What they are trying to do is to be as close as they can to what was approved. Mr. Black said he noticed that they don't have a cul-de-sac, and they don't have an island. Mr. Opaczewski said correct. With the layout that they've got, he does not know whether it was their buildings were the same, or maybe theirs was even scale. It was a very short street, only 70 feet long. A cul-de-sac was not really needed for emergency services because it would be just a drive-in, drive-out type deal. They do have, except for a fire truck, any other kind of emergency vehicle could get in and out without any problem, he

would assume. They are not beyond fire protection with the hydrants that are out on River Road right now.

Mr. Black asked if there were any comments from the members. Mr. Schaller said their job here, is this a major or minor revision. It's a PUD; right. Mr. Black said right, and it looks like a major with the change of the cul-de-sac, the island, and the footprint of the buildings. Mr. Opaczewski said okay, that's what they are here to find out. Mr. Garn is telling the people out in the hallway to be quiet. Mr. Schaller said he was just kind curious, are there existing footer tile that runs over from that existing family residence, and how do they deal with that. Are they illegally on the property. Mr. Opaczewski said evidently, the title work did not indicate any easement for that. They have some records from the county that was shown on there. Whether it actually is, they haven't really got into that yet. At that point they will have to do a test or something to find out if it's actually there. This was all part of the same development at one time he understands, and Cavalear sold the corner off a while back and decided not to build on the corner lot. So he might have put the footer tile there with some other intention for this piece of ground, which they don't really know what the intention was at this point.

Mr. Black asked if Mr. McCue owns the land now, and the response was yes, he does. Mr. Black asked if there was a motion to make this a major or minor amendment per their PUD code. Mr. Schaller said he would make a motion that they consider it as a major amendment under the current PUD with a second by Mr. Rometo. Mr. Black asked if there were any other comments from the members, and there were none. Mr. Garn confirmed that it was for a major amendment. A roll call vote was taken. Yes votes by Mr. Schaller and Mr. Black, and he said he was sorry. He retracted his vote until it was his turn. Yes votes by Mr. Rometo, Mr. Benavides, Ms. Warnimont, and Mr. Black. Motion carried 5-0-0. Mr. Black thanked him for coming.

PUD Amendment—Major/Minor. Emerald Lakes. McCarthy Homes, Inc., has recently found out that the northerly stub street in the Eckel Trace subdivision was moved hundreds of feet to the south. In order for the streets to align, they have revised the layout of the northwest section of Emerald Lakes. They are asking for a determination of whether this is a major or minor revision to the PUD.

Walt Opaczewski addressed the commission regarding this amendment. He said basically the bottom line on this is when they did the development and ran it through their process, the preliminary drawing that they were provided had the summer trace located farther north than what was approved on their plan. And they found this out probably late last year. So now they are into the design phase for plat 2, and they have to go through this step in order to get approved. Mr. Black asked him to show them on the map, and he did. He has a copy of the preliminary drawing. And this happened somewhere along the line between the approvals.

Mr. Black asked what other changes are on there besides that. Mr. Opaczewski said besides moving the street down here, the number of lots has not changed. They had to move the lots up into here. Some of them got a little bit narrower because of the fact instead of having just two three- corner lots, now they have four corner lots. So there is some ground coming through here. Some of these got a little narrower. These would all still accommodate this typical building that he puts on these lots. Mr. Black asked how that would affect the distance between the buildings or distance off the property line. The response was there is no change for their original side yard requirements. There is no change in that at all. Mr. Black asked if there were any other changes. The response was the only thing of a minor change is they had to put a little bit more depth to these four lots here. Just when they did the original layout, they did not really tally enough depth on that to accommodate all of those buildings that were built out here. They have approximately four and a half to five feet into the depth, just this here. Mr. Black said there is nothing else on this site plan that is any different than the one that was submitted, and the response was no. And Mr. Black said other than what he has stated to them, and the response was correct. Mr. Black asked how many square feet did they lose in the green space, the landscaped area, and the response was very minimal. They had 12.533 acres originally, and now they have 12.497, so they lost about four hundredths of an acre. Mr. Black said and that piece along Eckel Junction Road where they talk about the landscaping that they lost plus a little bit elsewhere. The response was they lost a little bit here, but they got a little extra back over here. Mr. Black said okay. They added more green space in this corner.

Mr. Black asked if there were any other comments, and there were none. He then asked if there was a motion to make this a minor or a major. Ms. Warnimont moved that this would be a minor change with a second to that motion by Mr. Schaller. Mr. Black asked if there were any other comments, and there were none. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Schaller, Mr. Rometo, Mr. Benavides, and Mr. Black. Motion carried 5-0-0.

Cross Roads Self Storage. Mike Tiller of Cross Roads Self Storage of 8252 Avenue Road would like to talk about adding more units to the site. Included are a drawing and minutes.

Mike Tiller addressed the commission regarding this request. Mr. Black asked if he was originally here, and Mr. Tiller said with Tom Worline, the engineer. Mr. Black asked him what he was asking for now. Mr. Tiller said basically they are looking to get totally approved the two buildings they are starting now for the storage facility. And the questions back then were the black top and the issues on the parking lot, and the berm that was off the left side of the parking for the 18 acres, a substantial mound. Mr. Black asked when he says the two buildings, are these the two original buildings, or are they starting two more buildings. Mr. Tiller said no, the two original buildings, the two buildings that are highlighted here. Mr. Black asked if those two buildings exist now,

and Mr. Tiller said they are basically under construction now. Mr. Black said so the two buildings that he is talking about that are under construction are the ones that were approved, and Mr. Tiller said awhile back, correct. He said the time delay on that was the water line approvals, they tried to tap the main 24 inch line out front, and went back and forth with the engineers of WC and the city and Toledo. And they had to run it clear down to Glenwood to bring the hydrants and the water to the site. Scott Hawkins informed the commission that he was directly involved in all of this.

Scott Hawkins addressed the commission regarding this matter. He was directly involved in this since the beginning of this, went through the water, got the water rights approved. He has been over at the site today, and it appears all the fire hydrants are in, the detention pond is in, the two foundations for the original two tentatively approved buildings out of the fourteen are now in. The WC building inspector has approved those foundations, and construction has begun on one. They are, in fact, ready to roof it. It's a frame construction.

Now he is involved in the lending end of it, and what they are here for is to show that the map is being complied with, and that they would like some assurance that they can build the project out because they are ready to be funded. They now have two foundations in, and they are looking at, he does not know, probably a year and a half to 2 years to build the whole thing up. But at this time the lender is a little hesitant because they don't know if they are approved for just the two buildings, or if they can continue with the whole plan for the fourteen, or what the requirements are. That one of the things when they went through the zoning thing, they originally had on the plans that they were going to put gravel down as the composite for drainage, but apparently there is a requirement that one year after you get your occupancy permit you should put down blacktop. They have no problem with that if that's what needs to be done to comply. It will make it look nicer. Aesthetically it's more appealing for a storage facility of this type to have the blacktop. It's in their best interests to put it in. However, there was a lot of delays in this project, and a lot of expenses going back and forth with the City of Toledo. The City of Toledo manages the water over there and apparently provides some services, and they govern what you can put in. They went through that. And, of course, the hydrants had to match everything. All those delays have cost a considerable amount of money and time. And what they are looking for from the board is some assurances if they present their plan, and they have somebody to fund this thing so you don't wind up with buildings in the middle of construction just sit there and nobody finishing them, then they can build the project out. And their question is what are their concerns if they build the project. They have already got two foundations in, and the WC building inspector is going to keep track of what they are doing in those buildings to make sure that the building is going in in conformance with the zoning codes and whatnot. But in order to secure their financing for the summer, they start now. And they want to be able to tell their lender that they are worthy, that everyone is on the same page because they want to do five more. And that's basically why they are here. And they can come back next month and comply with whatever the input is

from the board. They think they are ready to proceed and get their funding to start building this project out. And that's more or less what Mr. Tiller is here for, and what are the board's concerns.

Mr. Black said obviously there is a whole site plan issue that needs to be resolved, lighting, pavement, landscaping, and that's what they talked about. He does not remember when that was. He asked Mr. Garn if he remembered, and Mr. Garn said '03. Mr. Black said it's been several years ago.

Mr. Black asked Mr. Garn if he had any comments. The comment was made that it was thought that the site plan addressed most of the lighting issues. Mr. Garn said they did come in and take care of the lighting, and the landscaping, and signage. He thinks there was still the issue of paving and some issues in that area. Mr. Black said so paving is the only issue.

Mr. Tiller said the paving was the major issue, and he is not sure, but one of the members mentioned what are they going to do with the piles of dirt at the other end, which they landscaped around. There will be no more fill coming into the project. They filled it all. They were fortunate enough to get fill from a job site. They got a foot and a half fill. All the drains are put in. They are sticking out of the ground about 6 inches right now which is showing like old water there. When the foundations get set in to the earth, they can start stone around that, and that drainage will be done. But right now to put stone there and come back in and put the foundations in, it does not make sense.

Mr. Black asked if they had a final site plan for the commission to approve. Mr. Garn said it's still the same site plan. Their project was the last project before they went to the new thing of hiring an independent engineering firm. So this project is one that was examined by the WC engineer for storm water detention and that. Now, according to Mr. Tiller, at the time when he was digging the pond, and this is a couple of years ago, he came in, and he actually dug that detention pond slightly larger than the requirement. The only thing he needs to do is go back and check to make sure that WC, when they looked at it, that they were looking at this for paving. He believes that Worline, when they did their design, did it that they would be asphaltting, at least around the buildings. He does not remember about the other parking area. The large parking area, he does not know. Ms. Warnimont said that was stone. Mr. Garn said yeah, that was just stone. So there is maybe like four or five acres there that's vacant to the right. So he is presuming that was left as stone, but he does not know what the ZC wanted to do.

Mr. Garn said there is one completely different side issue. He showed this project to the trustees today at the meeting. And the police chief looked at it, and he had some just basic safety concerns about the entry in to there with ODOT, and he wanted just to make sure that that complied with ODOT with cars. Because the entry is just a right-in

and right-out. Mr. Tiller said right, ODOT said basically when they gave him the right-of-way for the lane going back in there, they said that was the lowest use business they could put in there is why they gave him permission to use that lane back there. As a storage facility, they don't hardly have any traffic in or out. Of course, they are doing so for construction, but if you go into other storage facilities, you know that you don't even hardly see any coming in and out. It's basically storage, dropping things off and picking something up. But it's very low usage, and that's why they even gave him the road. He was even allowed to put a fence across it.

The retention pond. When they built the retention pond, it calls for being 60 feet wide. It's approximately 70 feet. It actually comes over further. So it will retain considerably much more water than what's required. Why he did that, because when they were talking about the flood plain issues was that the bottom of the retention pond is original earth. They had to dome that up. What he did is he put dirt in that area, and pushed it up and rolled it over. He said basically there is no way that they can be 50 feet. They had to be 50 feet from the centerline of the creek over. This is well over 50 feet. The creek is clear over here. They have hundreds of feet before that. So there is no encroachments on the flood plain at all. He would say that basically all the storm sewers are put in, and the fire hydrants are put in and in their present location.

He thinks their major concern was with the site plan, which everybody approved, and he had signed it. He is not sure if they all signed it or not. But there was the blacktop. They were wondering when he was going to start blacktopping it. The bank that they are dealing with has basically given him the okay to go ahead with the project. He would like to see the other five buildings across the front by the end of summer. They did draft burials over the fire lines and storm sewers so they will blacktop around these buildings. Mr. Black said but not the large parking area. Mr. Tiller said the large parking area, he wouldn't attempt to do that right off hand. He does not even see a use. Basically he did that because Walgreen's gave them the stone. Sort of an offering there, sort of sitting there not really doing a lot with it. Not as much as the indoor. He would like to maybe some day do something with that, but there really has not been a lot of traffic down there.

Mr. Black asked Mr. Garn if he had any other comments. Mr. Garn said not other than he does not know if they want to revisit this next month. Mr. Black said is he saying that the only issue is asphalt, and Mr. Garn said that is from his memory. He has not checked. That's all he could really remember, there was a problem with that. You know, it's like going back 3 years.

Mr. Tiller said he would like to say that just last year Mr. Allion, when Worline designed this, at first they were only actually showing this. They did not have a clue what they were going to do with this, if they were going to develop further out, or what they were going to do with it. He already designed the retention pond, which was much smaller than that one. And Mr. Allion said it's too small. Mr. Tiller said what do you mean. He

said what are you going to do with the rest of the drainage. Worline said it's been running over. Well, at that particular time Mr. Allion said you have two options. You are not allowed to go to Glenwood, first of all. He said you are going to put in another pipe across the back of that if Worline don't engineer the blueprint to accommodate the whole 90 percent of the water run-off. So all being blacktopped, 90 percent of this, that retention pond is big enough to accommodate all of the water on this whole parcel, not just this part. He re-engineered and did all the calculations, and he has 30 inch. This is down 9 feet. This is quite extensive. For a storage facility, it was quite a bit more than he wanted to put in, but it's working. So he did re-engineer that because he would not let him take that to Glenwood, which he thought made sense.

Mr. Black asked if any of the members had any comments. Mr. Schaller said they should probably review the meeting minutes from when it was approved before. He seems to recall asphalt, too, but he does not know what else. Mr. Garn said, and possibly review the storm water. The only thing he is not sure about is before that was reviewed by the WC engineer. They will not review anything like this anymore. And hopefully they still have the calculations there. Because on one other project recently, they did not have any calculations there anymore. He does not remember which project that was. If Worline is still involved, tell them.

Mr. Hawkins said if they were to draft an agreement to assure the board that they are going to put the asphalt in, and in the mean time present that next month, maybe get an approval certified, maybe not. In the mean time they will either have the retention pond inspected or whatever, or have some evidence with them as to what's there, it's in compliance with the plans, so it's already been approved, but just to assure the board. They have pictures with them tonight what's gone out, but they can take pictures that day and print them off the computer. If they came down here, it would be their hope that they would get the assurance from the board that they can continue. It's something they want to be ready to build for the summer then.

Mr. Black asked if it would be necessary to have the storm water drawings reviewed by their engineering consultant, and Mr. Garn said there is a possibility they would have to be if they don't have the information down at the WC engineers. Mr. Black said that shows that it was approved, and Mr. Garn said right. Mr. Black said if the WC engineer does not have the verification of their storm water retention as well as the blow up, then they will have to pay for the cost of their township entity. Mr. Hawkins said if they were to do that, and they had an engineer in the back, would it just be for the specific review. If they don't want to have the plans changed, the commission can obviously understand. Mr. Hawkins said what a mess they would be in if the engineer came back and said they want to change everything. If he is just checking for compliance. Mr. Black said if WC already has compliance, that's all they would have to do. Mr. Hawkins said okay. Mr. Black said if they don't have the records, then they have to go to the township's independent consultant. Mr. Hawkins said he has the records. Mr. Garn said okay. Mr. Hawkins said what they will work on is to get some evidence of

compliance on the plan, the retention pond, and they will draft some kind of an agreement to assure them that they are going to put the asphalt in.

Mr. Black said if it needs to be asphalted, it will be part of the site plan. Let's just put it on there. That will be of the entire site. Mr. Hawkins said the storage facility, and Mr. Black said even the parking areas. A question was asked if they needed to do that. It's a separate parcel, 5 and a half acres. This is actually two separate parcels. Mr. Black said he would ask the members how they feel. Mr. Schaller said before they allow that to be stoned or gravel, with the structures in there, they don't have enough catch basins to properly drain that if that was asphalt. Where it's stoned now, if that was asphalt, you would have additional catch basins. The response from Mr. Tiller was what they have here, they have a six twenty-three number to play with which is the flood plain level, 623.3 if he remembers right, or something around in there. Now they start to go to asphalt, they have to have enough run-off to accommodate that. That raises the elevation, more dirt comes back in, the stone comes back off, dirt goes back underneath. It's a whole disaster again. They are talking about a lot of work. So if they can tend to that later down the road, he would rather figure out a better use for this particular 5 acres. And if he can rent out some storage, great. If not, that will eventually be moved out and tend to it later. That's just something they put in there to accommodate people was calling up and saying to put storage for semi trailers, and he was turning them down. They can start by just black topping this particular area. This is the overpass looking down on it. If they can come up with a better use, maybe an industrial building, he would like to talk that kind of development. He would rather do that later and not put a bunch of money into it that might be ripped up.

Mr. Garn said he believes this was zoned I-2, and he believes an I-2, as long as they are not abutting residential, they are allowed to have stone. They have stone near there on Falcon Trucking when they came in, but they about R-2 residential, and that's why they had to coat the stone and possibly go on to asphalt. Mr. Black said so they will go on that and have asphalt on the part that has storage. Mr. Tiller said the Chevy company from Perrysburg, Chevy Olds came down, and he signed a contract with them. They can put asphalt paving and pack that on. What he would like to do is the Shelley Company, when they get their grindings and overflow, the City of Perrysburg has a place to put it, and spread that out, have you a nice place. And then they can get the perimeter higher, get the drainage in. They will have to get more storm sewers. He would like to tend to that a little bit further down the line. He has a better use of the project. Actually he was talking to Leonard from—just shut up? Okay.

Mr. Black asked if the members agree to have asphalt on the building, that whole area of the buildings is asphalted, and the parking area at this point is not. Ms. Warnimont said that was fine with her. Mr. Black asked Mr. Garn if he had anything else that they need to do on this issue. Mr. Garn said, and this is still relying on everything checking out. Mr. Black said they still have to have confirmation on the storm drainage. Mr. Hawkins said they want the plan to show what they just said. Mr. Garn said so they will

be coming back next time. Mr. Hawkins said they will be coming back, and hopefully they will have everything, and hopefully they will line up their financing.

Mr. Tiller said they will end up putting something else. This is just something to get ready to develop it out. He is not looking to sell it, he would like to work it. They have ideas. Mr. Black said they are all set.

Informal review—Proposed retail center. The center would be located at the corner of Fremont Pike and Simmons Road. In 2000 it was rezoned from A-1 to PUD-MX and was to be the site for Kohl's, an unnamed store, and a Super K.

Nick Miller addressed the commission regarding this informal review. He introduced himself and Tucker Frederickson, and gave the commission a little background on both of them. He said the site they are looking at is on Simmons Road and US Route 20. This has been approved in the past for a commercial PUD zoning. They did meet with Mr. Garn and looked at the matrix of whether or not this change to a Wal-Mart store represented a minor or major amendment to the PUD, and he thinks they have it calculated that it kind of fit into the major category. He apologized to the board. He said he had a babysitting problem this evening, and he got the short straw. He is glad they were last on the agenda. They wanted to be informal instead of showing up on their doorstep with a formal submittal, so they are able to make this informal presentation. Their goal is to come back in and follow the major amendment to the PUD. And he thinks they will be making that formal submittal in anticipation of January 16, and Mr. Garn said that is the cut-off date. Mr. Miller said that's the cut-off date, and it gets forwarded on to WC going through the rezoning process, and then ultimately in for a site plan.

He can briefly walk around the use of the store. Wal-Mart has several sized super centers. This is the largest that they currently have. It's roughly about 200,000 square feet. He grew up with Meijer's, and it will be in kind of the commercial business with grocery is kind of what this is. He will briefly talk out loud and walk around the building just for everyone's edification. It's about 200,00 square foot, and it will face south, or US Route 20, and sit on the corner of Simmons Road. From working with ODOT to look at the possible signal, the early indications is that it will be right-in, right-out. It's got a garden center, and an oil lube facility. In back of the truck docks they are anticipating the storm water detention and retention pond behind the store. On the west side of the building there is a drive-thru pharmacy. Potential planning for a fueling station in front similar to what Meijer has. And there are basically two entries. The one on the garden center, and more of a general commercial side, and the other side is the garden similar to Meijer's. There is some access property that right now that probably Wal-Mart will sell it off at some future point. No real connecting plan. He is sure it will fall into the commercial category as well. With that, if there are any questions or recommendations.

A comment was made that he talked about an alignment, a road across the way that he said. Mr. Miller said no. They may have to come in, and Wal-Mart's goal is to get a signal. That's what they prefer for all their stores. They are getting proposals from the consultant that has done a lot of the corridors here, and the goal would be to get that signal. He thinks probably the most accessible place to get that will be to line up with this street across here and maybe a portion of the health care facility to do that. This is probably going to end up being too close for a signal. This also does not meet their requirement, but improve that and improve the safety in the area. They will go for that. But just to be conservative, it probably should have shown a right-in/right-out. They will live with whatever would be readily accepted. They are going to make a strong case to build a signal at this location, which will benefit the community on a whole. So if they are successful in that, they are hoping that that road would be considered if they are successful on a minor amendment to the PUD. But they are thinking of going with what's most conservative and what ODOT would allow.

Mr. Black said so their planned unit development will not include any break-down of the excess property, it will just show it the way it is. Mr. Miller said right, typically Wal-Mart's method is if there is excess property, to plan for it from an access and utility standpoint, and then at some point divest it after they get through the process. Mr. Black said recognizing the issue that may come up is whether it's a major or minor amendment to the PUD, as he has heard this evening he is sure. Mr. Miller said yes, they got a good education this evening.

Mr. Black asked if there were any comments, specifically to Mr. Garn. Mr. Garn said just from a very cursory overview of some things he has noticed in there, in the parking area, he believes their parking regulations would normally have islands with trees and irrigation in there. Also the drawing he has is rather small, but it looked like the parking spaces were not quite the size that they require as to the width. He thinks theirs are 10 feet wide, and he thinks they showed 9 and a half, something like that. They would have to check with their regulations, but those were two things he noticed right away. Then he presumes that they know that the access road going through there would be to WC specifications, because it's a road that they would be turning over to them as a township road. And they may want to get in touch with Mr. Steiner at the WCPC to go over these plans, because as they can see from the first hearing this evening, that there are some problems over things being presented, and whether there is enough information. By what they have right now, it's not even close as to dimensions and so on that they would need to have on there. It's more of a dimensioning type issue and so on. Plus with the road itself, he wanted to cross section to make sure that it was going to meet county specifications. And the city specifications may be slightly different than the county specifications, so they may want to ask them. He thinks theirs are a wider width.

Mr. Black asked them if they had spent any time with the city yet. Mr. Miller said no, they haven't. With the holidays, since they met, they haven't, but they would like to

probably do that. They have their ordinance, they have their new updates on the parking code, but they haven't officially made contact. They hope to later this week, set up appointments with both the county and city and go over these details.

Mr. Black said, and they recognize it is in the overlay district of their zoning code. Mr. Miller said yeah, so they will have to adhere to both the township and the city codes.

Mr. Garn said if they do have any signs ahead of time that they would like them to look at, too, that can be part of that process. Mr. Miller said okay. Mr. Garn said or the location.

Mr. Black said a good point about the landscaping and the parking areas. Mr. Garn said there is an ozone problem in the area, and the county commissioners wanted to make sure there would be adequate trees for shading, and the parking areas, and the ZC has normally asked for irrigation systems to be put in to make sure that the trees and bushes and so on would live. Mr. Miller said okay, they will apply both the city and township requirements to this, to the formal submittal. Mr. Garn said because after the PUD, then they would have a site plan review for the actual thing.

Mr. Black said by the overlay district he does not mean it's overlaid in the city and the township, he means they have an overlay district within the township that has more stringent requirements along the Route 20 corridor. Mr. Garn said monument signs, some mounding in front, and some others.

Mr. Black asked if there were any other comments. He then said they would expect to have a full application prepared to give to Mr. Garn, and the response was yes, their goal is to have the full application prior to the 16th. Mr. Garn said that's fine, because he has to have that in their hands by the 17th. That is their absolute cut-off date. There is no deviation from that. Mr. Miller said they have some work to do. Mr. Black asked Mr. Garn if he was saying this would be put to hearing next month then. Mr. Garn said yeah, that would start these (the tape went silent for a few seconds and then picked up again) as with the ZC. Instead of coming in with a major/minor, they would just determine that this is a major change, and so they would just go ahead and make application because a major change is treated as a zoning change. Mr. Black asked when would he expect the public hearing to be here with them. Mr. Garn said then it would be in March for the public hearing. Mr. Black said okay. Mr. Garn said no, wait. March. Yeah, because if they are having that there in February. No, that would be here in February. Mr. Black said February. Mr. Garn said yes, February 13th, he thinks. Because if they have everything there for their hearing first, the ZC is the one right after theirs. Their hearing would be on February 7th, and then the ZC would be on February 13th. Mr. Black said okay, any other comments, and there were none, and he thanked them. Mr. Miller apologized for the children, and Mr. Black said no problem at all, it does not bother them. Mr. Garn said he thinks they have all been there. Mr. Black said yes, they have.

Mr. Black said to Mr. Garn under other he has the WC Park District seed growing facility on Oregon Road. Mr. Garn said yes, Neil Munger from the park district called up and said they have been gifted he will say 60 to 80 acres between Oregon and Tracy Roads, and they plan on opening up a seed growing facility for natural flowers, grasses, and other things like that. Mr. Black said would this be a retail, and Mr. Garn said no, he does not believe at this point it would be retail. But it will start off just to put their wild grasses in their own parks, but then in the future maybe. A question was asked, between which roads, and Mr. Garn said between Oregon Road and Tracy Road. Mr. Schaller said this is on Oregon Road. Mr. Garn said it's on Oregon Road is where it faces. Mr. Schaller said he knows where they are talking about. Mr. Garn said he believes the property goes all the way through to Tracy Road. Mr. Black said so this would be a nursery for the park district, and Mr. Garn said a nursery, but they then said that they were also thinking of having a facility there for the public to come where they would have programs, and they are still in the formative stages, but they wanted them to know. Mr. Black asked if they were seeking to change this to park district property, or just keep this agricultural. Right now it is agricultural, and Mr. Garn said it's agricultural, and it would stay that way. They would not have to come to them for anything. But once they start inviting the public to be there for lectures and so on, then that's when they want to come in for the site plan.

Mr. Garn had one other item just as a side note. That the trustees have asked that the Belmont Place, the zoning change that was turned down at the last meeting, they had their hearing and have asked just to have the drawings redrawn and then submitted to the ZC just for a cursory review. They can't vote on it, as far as he knows, because they already voted on it. But they are looking for some guidance because the drawings were never redone, and so there were some questions as to where the buildings would actually be located. Mr. Black said there were three issues. One was setback. Another one was they wanted a reduction of actual buildings, and the developer refused to do that. But his understanding is the reason they turned it down is they thought it was more appropriate for R-1 zoning and not multi-family zoning. Mr. Garn said he is not sure whether there was anything really said in the meeting at that time as to the appropriateness, but they were just looking for some guidance. They could ask one of the township trustees who is present, and he could maybe fill them in. He does not know if they know Gary Britten, the new trustee.

Gary Britten said he thinks some of the concerns were the paperwork that they had did not address what they actually were going to build. They talked about moving the buildings to the north which would have reduced the distance on the houses that run on Belmont Meadows. That was a concern. He did have a concern about the 7th building. But the biggest thing is they wanted to see in black and white actually what the plan is that they wanted before they voted on it. That was one of the main reasons why they continued it for a month. Mr. Black said the testimony that was presented from the public was kind of they thought it was appropriate to be R-1, and that was his

consideration when he voted on it, that he didn't think it should be multi-family. He does not know why the rest of the members voted that way, but that was the reason he did. So he did not feel a re-design of the same concept with either setbacks different or whatever would have made any difference. Mr. Britten said it would just have been a waste of their time, and Mr. Black said right. And also they did refuse to go to a lower density based on the concept that it does not make economic sense. Well, that's up to him to buy the land for the right price to make it make economic sense, which he was actually surprised that he would even make that statement publicly, if he can see what he means. They don't mold what you are going to pay for something to how it makes money and works for them or not. The comment was made, tell that to the neighbors. Mr. Black said he actually thought that the neighbors gave a nice presentation of what they thought was appropriate, and at least that was what he used to come to his resolution. Mr. Britten said there was quite a few of them at the township meeting also, and they all kind of voiced the same concerns, both on the north and the south. Mr. Black said at least from his standpoint, rearranging that multi-family, he still would be against that, but he is only one member of five. Mr. Britten thanked them, and Mr. Black thanked him and congratulated him.

Mr. Black asked Mr. Garn if he had anything else. Mr. Garn said there is too much going on. He does not know. He thinks the one thing that possibly he needs to do is when they come in, they have the thing that was not quite legal, but he is having them come in to the PUD's and doing it on an informal basis. Mr. Black said like they did tonight, and Mr. Garn said well, sort of like, but where they would go to all three hearings, but they were not actually voted on as to the actual zoning change itself. Mr. Black asked him to run that by him again. Mr. Garn said originally when they did their PUD's, they could come in and do it, the best he can call it is informally because they were not voted on as the actual zoning change, but they would have the hearings by the ZC, the WCP, the trustees, and then they would come back and make the actual application. And that was then determined to be double jeopardy or something like, so they said you can't do that, so they stopped doing that. But now they are running into the problem of these people coming in for their full zoning hearing on it, and it's causing them problems in redoing their drawings. Mr. Black said causing who the problems, and Mr. Garn said the developers. And Mr. Black said who said they can't do it the other way. Mr. Garn said the other way they can do it, as long as they realize that it's purely done on an informal basis, and that they are not actually coming for the actual zoning hearing. So an attorney had been at one of the hearings and had brought that up, and they had it checked out, and sure enough, they were not allowed to make them do that. And he thinks that's how their book still reads that way, but they could come in on more of an informal basis. That way they would not spin their wheels as much like they are doing in these.

Mr. Black asked if there were any other things they would like to discuss. He asked if there was a motion to adjourn. Ms. Warnimont moved with a second by Mr. Benavides.

All members were in favor, and none were opposed. The meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Grant W. Garn,
Recording Secretary