

**PERRYSBURG TOWNSHIP ZONING COMMISSION  
26609 Lime City Road  
Perrysburg, Ohio 43551**

**Zoning Commission Meeting  
October 11, 2005**

The Perrysburg Township Zoning Commission held a meeting on October 11, 2005, at 26609 Lime City Road, Perrysburg, Ohio. Robert S. Black, Chairman, called the meeting to order at 6:00 p.m. and welcomed all in attendance. A roll call was taken. The meeting was tape-recorded. Grant Garn, zoning inspector, also present.

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

MEMBERS ABSENT: John J. Benavides, Stephen J. Stanford, and Jeffrey Normand.

APPROVAL OF AGENDA: Mr. Black added Item D to the agenda which is the approval of the 8/8/05 minutes. Mr. Schaller moved, with a second by Mr. Rometo, to approve the agenda as amended. A roll call vote was taken. Yes votes by Mr. Schaller, Mr. Rometo, Ms. Warnimont, and Mr. Black. Motion carried 4-0-0.

APPROVAL OF 9/12/05 MINUTES: Since the members who were present at this meeting are not in attendance to approve these minutes, the approval of the minutes from 9/12 was held in abeyance.

APPROVAL OF 8/8/05 MINUTES: Ms. Warnimont moved, with a second by Mr. Rometo, to approve the minutes a written. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Rometo, Mr. Schaller, and Mr. Black. Motion carried 4-0-0.

Mr. Black asked of those in attendance if there were any items of public interest to be brought to the commission's attention that were non agenda items, and there were none.

**SITE PLAN REVIEW FOR PLERRYSBURG MARKET CENTER, NUMBER SPR 2005-05.** Warren Terrace of First Commercial, John Sperry and Efrem Tennenbaum of DuBose & Associates would like to discuss the proposed strip retail building. They are proposing shared parking with their other buildings. An independent engineering firm is presently reviewing their updated plans and checklist for compliance.

Efrem Tennenbaum addressed the commission regarding this site plan review. Mr. Black asked him if he was aware of the letter that the commission received this day from Feller Finch, and he said he was. Mr. Black asked him if he agreed with it. Mr. Tennenbaum said he understands there is an issue with the bicycle lane. At the time

when it was a thought to put that lane in, the developer had chosen to develop the adjacent lot number 1 which is south of lot number 3. And he has an idea of maybe putting a driveway there, so he didn't want to construct it prior to putting in the driveway.

Mr. Black asked Mr. Garn if he had any comments. Mr. Garn said what they are talking about is a bicycle path that he and Mr. Black saw drawn on by the previous zoning administrator for Perrysburg, and it was a requirement. At that time they were requiring it. Mr. Tennenbaum said that at the time they submitted the plans, that was not brought up. If there is a need to put in a bicycle lane, they will put it in. Mr. Black said yes, this has been part of the city's comprehensive plan, and it should be included in that drawing. Mr. Black asked if they would modify the site plan to show that. Mr. Tennenbaum said they were doing some utility work on Thompson, so that bicycle widening on Thompson is part of that. Mr. Black said it needs to be on their site plan. Mr. Tennenbaum said okay. They will add 8 feet.

Mr. Black said also referring to item number 1 in the letter regarding the recordable document. Mr. Tennenbaum said they have these, and it's prepared for recording at Wood County. Mr. Black asked if they had a copy of those with them for the commission to look at. Mr. Tennenbaum said the description, and Mr. Black said the recordable document. Mr. Tennenbaum said it has not been recorded yet. Mr. Black recognized that, but he asked if they had a specimen of that. Mr. Tennenbaum said he had the legal description and gave it to the commission.

Mr. Black asked Mr. Garn if he had any comments. Mr. Garn said regarding the bicycle path, that was something that with the city, they may wait until they complete their project. Mr. Tennenbaum said it was attached to their original exhibit. Mr. Black said this is the legal description and asked if they had the easement itself. Mr. Tennenbaum said not yet. Mr. Sperry said the attorneys are drawing that up now. Mr. Black asked if they recognized that that would have to be recorded before final approval, and they said yes. Mr. Black asked what Mr. Garn had said. Mr. Garn said they may be waiting for the completion of the bicycle path when they complete their project building the other parts. Mr. Black said but it's not on the site plan right now, and Mr. Garn said right. Mr. Black said the bike path needs to be on the site plan. So those two items. He asked if this was the letter they are familiar with, and Mr. Tennenbaum said they have a copy.

John Sperry addressed the commission regarding this site plan. He just wanted to point out that they did receive the letter yesterday. It was sent to their office and then a copy to the commission today, it seems. The bike path was never mentioned on the original review from Feller Finch. There were 20 items on the original list, which they went down item by item and revised to get resubmitted so that they could obtain final approval hopefully this evening. The bike path was something new that was added to the letter as of yesterday. Mr. Black asked if they had been reviewed by the city, and

Mr. Sperry said the city has been reviewing the plans. Mr. Black said they never brought that up. Mr. Sperry said they have been trying to ask for their final approval, and they are told that after they have submitted within at least 8 work days now that it wouldn't be until the 19<sup>th</sup> that they would receive any comments back from them. Mr. Black said it's part of their plan that was agreed upon by the developer of this property several years. Mr. Sperry said the developer had not informed them as the consultant of that. And the city, since they haven't had any response from them, they were unaware of any of it until this letter came through which was only a day's notice for them to deal with it. They had resubmitted the revised packet back to the township way before that came about. Mr. Black said as long as they concur to both of those items. Mr. Sperry said yes, they will agree to supplying that situation here. Mr. Garn said he had to agree with them that the bicycle path is only something that just very recently came up. That they did not themselves know about it beforehand. Mr. Black said that he and Mr. Garn have talked about that with the former zoning administrator of the city several years ago.

Mr. Black asked Mr. Garn if he had any other comments. Mr. Garn said the other question is about parking, because this is where they are going to have parking for the entire shopping area, and they still have not come in front of the commission with site plans on the larger part of the shopping center. Mr. Black said the larger part of the shopping center, how large they will build that will be a function of how many spaces they have. He asked if they recognized that, and Mr. Sperry said they do. Mr. Black said no matter what size they thought it might be, it may be smaller as a result of that. Mr. Sperry said the square footage of the overall center will be sufficient for whatever parking they can provide.

Mr. Black asked if any of the members had any comments. He then asked if there was a motion to approve this application subject to the two issues represented in the Feller Finch letter dated October 10, 2005, being the easement being in a recordable form and recorded as well as the bike path on the site plan. Mr. Schaller asked when they expect the first issue to be addressed. Mr. Sperry said the first issue, being the parking easements and the recording of that, and Mr. Schaller said yes. Mr. Sperry said the attorneys have the legal descriptions that were drawn up based on an outline, and that they have had a surveyor write the legal description. It's been turned into the developer's attorneys, and he is preparing the documents for that recording at Wood County. He asked Mr. Tennenbaum if he had any idea how long they have estimated that to be. Mr. Tennenbaum said they are taking a bunch of issues all together, not just this. It will take a week. Mr. Sperry said at least a week before the attorneys have the documents drawn up. Mr. Black said they are looking for a motion that the actual approval be contingent upon received that so that they don't have to come back here. Mr. Sperry said that was fair enough. Mr. Black asked if there was a motion. Mr. Rometo moved with a second by Mr. Schaller to approve the site plan subject to the two issues addressed in the Feller Finch letter. Mr. Black asked if there was any further

discussion, and there was none. A roll call vote was taken. Yes votes by Mr. Rometo, Mr. Schaller, Ms. Warnimont, and Mr. Black. Motion carried 4-0-0.

**SITE PLAN REVIEW OF KENSINGTON LANE OFFICE BUILDING, SPR 2005-07.**

George Lathrop is proposing to build a professional office building at 28366 Kensington Lane in the Coventry Woods Executive Park. William R. Steele of Spring Valley Architects is working on this project. An independent engineering firm is reviewing their updated plans and checklist for compliance.

William Steele addressed the commission regarding this site plan along with George Lathrop. Mr. Steele informed the commission that they are here this evening for approval for their site plan. They support the approval recommendations by Feller Finch, and they agree to comply with the comments by Feller Finch. They received the latest letter from Feller Finch actually today at 11:15. Mr. Black asked if the latest one was the October 7<sup>th</sup> letter, and Mr. Steele said that was correct. He continued saying that as to item one, they have documentation from the City of Toledo in writing. They might have a copy of that in their files. Mr. Black said yes, that's their letter dated October 11<sup>th</sup> to Mr. Kuhn. Mr. Steele said yes. Mr. Black said they do have that. Mr. Steele said they also had a fax transmittal from Toledo indicating that there is no requirement for the water service as the line is 2 inches smaller, and that the plans do indicate a two-inch tap will be by Toledo at the owner's expense. Those have been taken care of. As to item number 2, they are in contact with the WC engineer's office, and essentially they have submitted that as of today, and they are in agreement to abide by whatever direction that they might have. Essentially on that item, Feller Finch and ESA with Spring Valley Architects, they have a four-inch meter line, and the engineer with Feller Finch indicated to them that that would be an appropriate size so it doesn't clog up. But if they want the WC engineer's blessing to make sure that was okay, that would be their contingency on that one.

Mr. Black asked Mr. Garn if he or any of the members had any comments, and there were none. Mr. Black asked if there was a motion to approve the site plan. Ms. Warnimont moved with a second by Mr. Schaller to approve the site plan. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Schaller, Mr. Rometo, and Mr. Black. Motion carried 4-0-0.

**SITE PLAN REVIEW OF PENTA CAREER CENTER, SPR 2005-08.** Penta Career Center is planning on building a new educational facility at 9301 Buck Road.

Superintendent Fred Susor and the Penta Board are proposing to build a new school facility. Philip Enderle of the Collaborative is helping with this project. An independent engineering firm is reviewing their plans and checklist for compliance. One item for discussion would be a possible stop light at their entrance.

Tim Davis addressed the commission regarding this site plan. He informed the board that Superintendent Fred Susor sends his regrets that he could not make it this

evening. They are here to bring forward to the commission the request for the site approval. They should have in their hands the letter dated October 11<sup>th</sup> from the Collaborative to Mr. Garn acknowledging some of the comments that they worked through with Feller and Finch.

Mr. Black said on the traffic light issue, if he could just share some of his thoughts on that. Mr. Davis said initially before they started the whole process they did contact Mannick and Smith to do a traffic study impact, and their own study was presented to Feller Finch. At the time they wanted just to bring everybody on board to make sure that they were not impacting some major problems there. The recommendations from Mannick and Smith was that the site for their drive would not need a signal until 2029. Feller Finch felt they could possibly need a light there at the time of opening. Through their dialog with comments, they feel that they would like to at least start school, see how the traffic flows, and then do another study at that time within that year of starting school.

Mr. Black asked Mr. Garn if he had any comments. Mr. Garn said no, because that's the one thing that he knows from talking to Mr. Kuhn is he thought that the best thing was to figure out the traffic after school starts to see what really transpires. Mr. Garn commented that their traffic engineer is present, and Mr. Davis said they have the whole battery of folks with them. If they would like more information on the traffic study, Jean Hartline could put quite a presentation together for them on that.

Mr. Schaller said you are talking about a traffic light at the entrance of Buck Road. Mr. Davis said correct, at this location. Mr. Schaller said that since the comment had been made about impacting major problems, he wanted to know what the major problems are for now that they are impacting. Mr. Davis said they would not be impacting anything right now. Primarily it would be traffic that would be coming from Bates Road in the morning hours when the students are turning into this drive. And then in the evening when the students were leaving, they would be stopping some of the traffic as they cars were coming out. There would be a little volume there of oncoming traffic from Bates and Buck Roads. Mr. Schaller said that's the first bottleneck. Isn't the second one going to be at the corner of Lime City and Buck Road. Mr. Davis said that currently is part of a study on the impact, and they are working with the county engineer and also the township on improvements with that. And they have applied for grants with the county engineer to make improvements on that intersection. So there will be a light and improvements on that intersection. That intersection right now is under observation with not meeting the requirements that it should right now. Will they impact that much once school starts? They will have two peak times, in the morning and afternoon. But that intersection is slated to be improved. Mr. Schaller asked how many students are in the school, and Mr. Davis said they are looking at roughly 1,500 to start, 2,000 students maxed within the next 10 years after opening. Mr. Schaller said plus you have you faculty. His point, being a resident that lives over in that area, that Cedar creek has 1,200 people in their congregation, and that is a

nightmare over there, to say the least, when they are going to and from that facility. At that intersection alone he would just like to express that something certainly needs to be addressed there. Mr. Davis said he understands that, and that's why they started this dialog with the township and the county engineer very early into the process, because they felt there was a bottleneck there at the intersection. The problem is that it impacts not only just the county, but the City of Rossford and also the township. So there are a lot of entities that have to come together. And he thinks with the application of the grant, and hopefully getting that intersection improved, it will alleviate not only their problems, but also that whole intersection. Mr. Schaller asked how long that process usually takes.

Jean Hartline addressed the commission regarding Mr. Schaller's question. She informed the commission that they currently have submitted an application for funding which is congestion, mitigation, air, and quality. The funding that they are currently seeking is for fiscal year '09, which means they would get the authorization the end of '08. So it's a couple year process on that. Mr. Schaller said so the facility could actually open up before the actual construction work would be complete then. Ms. Hartline responded saying the project could be constructed prior to the school opening up. That requires that they have successful application with the funding that would require, that the engineering plans were complete so as soon as the funding was available, they could be released and available for contract. So that would leave them the first three quarters of '09 for the construction of the project, and could allow them to open prior to school starting in the fall of '09. Ms. Warnimont asked Ms. Hartline to state her name for the record, which she did. Mr. Black asked if this would be similar to the Perrysburg High School with the sheer numbers of students. The response was that it was probably similar. Ms. Warnimont asked how many of the students really drive cars to class. Are most of them bussed. Mr. Davis responded saying they have quite a few students that are bussed. They are seeing the numbers drop right now with the price of gas. Because they do take in 16 school districts, they have students that work after school. They do a lot of job shadowing, so they do have some student body that drives. He would say, just a guess, probably about 200 students right now, 250, somewhere in that area. They are planning for 600 spaces for student parking. They know that they are not going to fill that up, but that's just futuristic for that. But with the price of gas, it has gone down. There are quite a few people that aren't driving. The busses are packed when they come in.

Mr. Black asked if Mr. Garn had anything. Mr. Garn said this would be directed to Ms. Hartline. Regarding school systems, some schools have lights that only operate during school hours, it seems like. Is that what that light at Buck Road and the entrance was going to be like?. Ms. Hartline responded and said if the school light was merited for the intersection, you probably would only operate it in the hours that you have a bulk of students exchanging, which would probably be an hour in the morning and an hour in the afternoon. Mr. Garn said, and those are completely legal to have. Ms. Hartline said as a matter of fact, the Ohio Manual Uniform Traffic Control Devices recommends that if

you have a signal that's installed under what they call the peak hour warrant, that you only operate it for the hours that it warrants. Mr. Schaller said he was kind of curious. Would those roads around there be considered like a school zone. Would that apply to this situation where it's 20 miles an hour. Ms. Hartline said she would have to look at the ORC. This is a little bit different facility, but she thinks it probably could apply for a school zone. Mr. Schaller said he did not know if that would be a good thing or not. It's hard to come to that conclusion or not. He was just curious. Ms. Hartline said being that it's teenagers driving, it might help revenues in the city.

Mr. Black asked the members or Mr. Garn if they had any other questions. Ms. Warnimont asked if they have approval from the fire chief and northwest. None of the letters say that they have written comments from either one. Do they have that yet. Mr. Garn said he doesn't know if they have written comments, but they have had a few comments and quite a few meetings with fire and the EMS departments. Mr. Davis said yes, they have had ongoing conversations with both chiefs to make sure that they cover that end. Mr. Enderle could discuss that further if they would like.

Philip Enderle addressed the commission regarding this site plan. He said beginning very early in the design process they had a number of meetings with the fire marshal, and also with the WC engineer's office, and also with the Northwest Water and Sewer District. The plans that have been submitted, they have incorporated a lot of their verbal comments. As of today they have not received any written comments. But once they do receive those, and they are not anticipating anything major, so they will be happy to incorporate those. Mr. Black asked if any of them have indicated that they were actually going to give them written comments or not. The response was no. Mr. Garn commented on that. This is something that is changing, and they will be instituting in the near future on all projects of having comments from the fire department, maintenance department on different projects. So they are becoming more like municipalities. Mr. Black said these would be written comments; correct, and Mr. Garn said correct. But when this project started, this is only a new thing that they are just thinking of doing now of actually having written comments. Mr. Davis commented that kind of back in the very beginning when they just started discussions, they did talk to Mr. Britten, and Mr. Hrosko, and they had everybody at the tables at different times along with the fire chief. So they have had a lot of comments through the process of hydrants and all those things. They have kept an open dialog, and they have been very supportive.

Mr. Garn had a couple of things with the fire department. There is one entrance that is purely there for the fire, EMS, and police department, and that's the one on Lime City Road. So they will have a special gate that will only open for them. The other things the fire department required was, and he does not want to call them roadways, but the ability to drive fire trucks around the buildings all the way around where there will be heavy under lament underneath the soil so they can drive the trucks in there. So those were a few of the things the fire department asked to have.

Ms. Warnimont had one question, and maybe Mr. Garn can answer. They have in there about the landscaping, that in lieu of adding landscape islands there would be 12 spaces, they increased the size of the proposed landscaping with end caps. Is that permissible under their landscaping. Mr. Garn said he does not know, that is something that would be decided. He is not sure if that is a BZA type thing. Mr. Davis said what they are requesting is instead of having landscape or islands in the center of the parking areas, they expand and enhance the areas for the trees. It creates a better and a healthy environment for the trees, and it also frees them up from having obstacles. As you look through a lot of the bigger parking lots you see dead trees in the parking lots, and they have had to put rocks around them to keep people out of the islands. And they felt that because they are surrounded by woods on that end of the campus, and if they can expand their end caps and create more green space there for the trees, it will be a healthy environment for the trees. And he thinks it will look a lot nicer on the parking lot to create more of a canopy around the parking lot, and more shading, and also help with the barrier on the parking lot.

Mr. Black referred to Mr. Garn. Mr. Garn said he believes the trees in the parking lot are more an issue more for the summer time to keep the cars cooler. It had to do with the county ozone levels. Mr. Black agreed. Mr. Garn said that was the reason for trees in the interior of the parking lots, just anything to help. Mr. Davis said the student body is not there in the summer time. Mr. Garn agreed.

Mr. Black asked if there was a motion to approve the site plan. Ms. Warnimont moved with a second by Mr. Rometo to approve the site plan. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Rometo, and Mr. Black. Mr. Schaller abstained. Motion carried 3-0-1.

#### **SITE PLAN REVIEW FOR ECKEL TRACE SUBDIVISION PLAT 2, SPR 2005-09.**

Troy Sonner of the Poggemeyer Design Group will represent Westvalley Development for the review of Plat 2 of this development. An independent engineering firm is reviewing their plans and checklist for compliance.

Troy Sonner addressed the commission regarding this site plan. He started out saying these are the construction plans for the next 32 lots of Eckel Trace Subdivision at the southeast corner of Eckel Junction Road and SR 199. Plat 2 would be the southeast corner of the subdivision. Mr. Black asked if there were two more plats before you get to 199, or just one. Mr. Sonner said plat 1 comes down to here, and this is plat 2. They have this called out as plat 3, and then this entire area is plat 4. Now, it's not unusual for developers to flip plot order or change the number of lots in a plat, but that's their initial look at how that will be phased in. They did receive a review letter from Feller Finch, and they are agreeable to all the conditions in there. He believes there are only one or two items that will require revision to the plan. They will prepare the street/tree plan for the right-of-way. Actually when they did plat 1, they prepared it for the entire subdivision. So they do have a street/tree plan put together for that.

Mr. Garn asked if that was a city requirement, and the response was yes. That was put together as part of the final plat requirement he believes the first time through. Mr. Black commented that the township does not allow trees in the right-of-way. The other members agreed. Mr. Garn said this is where there are certain things that they will be in no man's land because the township does not allow any trees in the right-of-way, and they are in the middle of negotiations with the city. Mr. Sonner said they go on the back side of the sidewalk typically. Mr. Garn said correct.

Mr. Garn said they also required a 5 inch fitting on the fire hydrants. Mr. Sonner said this was an issue where he had a short discussion on as far as the fire department goes. Mr. Garn said lighting, he does not know if they are doing township lighting or not. Mr. Sonner said the lighting is prepared by Toledo Edison, but they will install it to the township requirements as opposed to the city, which he believes the township is more stringent. They require more lighting, so it should not be an issue with the city on that, he would assume. If it was the other way, they would balk, he assumes.

Mr. Black asked Mr. Garn, what about situations like this that have issues with the city and the township. They still have not come to a resolution, and Mr. Garn said right, they have not come to resolution. Mr. Black said yet they won't be able to receive water and/or sewer unless they comply with the city; correct. Mr. Garn said he believes that is correct. And their fire inspector has said that the fire hydrants will all have to be changed to the township specifications, so he does not know what's going to happen. This is not the only subdivision that is put in with the city threading for fire hydrants. The township has to put an adapter on the fire hydrant in order to fight a fire in the township, and there is only one adapter per truck. Mr. Black asked about the tree issue. Mr. Garn said the city may relinquish and go to something where they would take money and put it in some type of escrow account for 90 some years or something like that. He really does not know. He does not know what is going to happen. There are legal minds working on this entire problem right now. The county prosecutor's office. Mr. Black said so from the fire hydrants' standpoint. Mr. Garn said they can only approve what the township requires. They can't approve what the city requires. Their problem is to get the water turned on. Mr. Black said exactly.

Mr. Sonner said they are working to coordinate these issues. They thought with this second plat of the development that it would go smoother, and it has. But there are still a few glitches out there. They have to meet the review and the requirements of the Northwestern Water and Sewer District, Perrysburg, the township, the WC engineer, and then the EPA. And then they have their independent consulting engineer that reviews it, so there are a lot of eyes that have looked at this. And for the most part, most of the individuals involved have given a little bit in some area or another. The water and sewer district, for example, has put together a set of standards and details specifically for shared areas like this that he believes if they haven't been accepted by the city, it's close to accepting. So they are seeing some cooperation, but they do have these few items that they do need to get worked out here, hopefully so they can start

construction in the spring on this next phase. But he would like to ask for approval on the site plan tonight contingent on meeting these requirements.

Mr. Garn asked if street widths were changed at all or anything like. He knows the city has differences there. Mr. Sonner said they have not changed from the original design. He believes their local streets are 29 feet back to back. He can verify that. Mr. Garn said it's a county requirement. Mr. Sonner said the local streets are 29 feet back to curb to back of the curb. The Carronade section is 35 feet. The county engineer's office did review the plans. He asked if they had received a copy of those. Mr. Garn said he did not get anything from the county. Mr. Sonner said their only comments were related to the drainage, the laterals on that. They did not comment on the width of the street.

Mr. Black asked if there was a motion on this. Mr. Schaller moved to approve the site plan. Mr. Black asked if that was subject to the Feller Finch requirements, and Mr. Schaller said he would agree with that. Mr. Black asked if there was a second, and Mr. Rometo was the second. A roll call vote was taken. Yes votes by Mr. Schaller, Mr. Rometo, Ms. Warnimont, and Mr. Black. Motion carried 4-0-0.

**ZONING CHANGE APPLICATION FOR BELMONT PLACE, ZC 2005-04.** Earnest C. Conner owns 29301 Simmons Road. The property is being developed by MDM Ltd. They are proposing to change the zoning from R-1 to PUD-RS. This was informally proposed to the zoning commission a few months ago by Greg Feller of Feller Finch. I have forwarded the application to the Wood County Planning Commission.

Mr. Black confirmed with Mr. Garn that he has forwarded this to the WCPC, and Mr. Garn said correct. On that he will put up a copy of the drawing. He asked Mr. Feller if he wanted to come in here, and he said he had been here before. So he will just put this up here as a memory refresher. Mr. Black asked if they had made some changes from the last time. Mr. Garn said he does not really know. This is the original drawing. He did not bring over the other one. He is not sure they have made any changes to it. Mr. Black said they had some comments on that. Mr. Garn said he knows the trustees also had comments when they saw it about the cul-de-sac and the drive. Mr. Schaller said you really can't get back to there. Mr. Black asked if any of the members had any comments. He said this will be set for a public hearing, and Mr. Garn said they are going to go for it. Mr. Black said November 14<sup>th</sup>, and Mr. Garn said correct. Mr. Black said this is just the information on the application; correct. Mr. Garn said he has received the application, and he had to get it to Bowling Green within 5 days of receipt.

Mr. Black moved on to other items of interest for discussion. The first one is the minutes concerning wild flowers at the Walgreen's Distribution Center. They are willing to have their landscape architect come to one of our meetings.

Mr. Black asked Mr. Garn if he had copies of the minutes concerning the wild flowers at the Walgreen's Distribution Center. Mr. Garn said yes, and he will get some copies of that. He did find, if they want to pass these down, the original and the revised. He will go and make copies right now. There was a pause in the meeting for Mr. Garn to make copies. Mr. Black asked Mr. Garn if they got the letter. Mr. Garn said he could not find a copy of a letter from them. Mr. Black asked if he or Mr. Garn had signed that, signed the site plan, and Mr. Garn said yes. He has the large signed one there. They are willing to have their landscape architect come up and look at the site and then come to their meeting. Mr. Black said okay. Mr. Garn said she would have to come up and determine if it's salvageable. He does not know if there are different opinions. But he thinks he has given them a copy of the letter from their clerk having them cut down all their weeds because it was inundated with thistles and other weeds. Mr. Black asked if that was twice or three times regarding the resolution that the township has. Mr. Garn said they have only made them mow once a year. He thinks this is the second year that they have had them go in in the summer time. And, of course, by this letter they are only supposed to mow the wild flowers once a year in the fall.

Mr. Schaller said if you go by there and see what wild flowers are growing there, he thinks the impression that most people might have of a field of wild flowers and what they have are two different things. Mr. Garn said two different things. Right. Mr. Schaller said he does not want to say if it was misrepresented or not. Mr. Garn said it's not the kind of land to grow wild flowers in clay, he does not think. Mr. Schaller said that is part of the problem. Mr. Garn said that soil type is not right. Mr. Black asked Mr. Garn to ask the architect to come to the next meeting, and have her review the site. Mr. Garn said okay. Mr. Schaller asked if she was local, and Mr. Garn said no, out of Cincinnati. Mr. Schaller wondered, this time of year, if it would be most beneficial if she saw the site, and she can see what's left there. Ms. Warnimont asked if it had been mowed now already. Mr. Schaller said when you think of wild flowers, you would see some yellows and reds, and you don't see anything in there. Mr. Black said at any time period. Mr. Garn said he thinks this has gone the same way as with the State of Ohio getting wild flowers along the expressway. Mr. Black said they started that about 10 years ago. There were places where you used to see the signs, do not spray because of the wild flowers. Mr. Garn said wild thistles, wild carrots. Mr. Black said if she could come up and share her thoughts on that. Mr. Garn said they are not trying to duck it. He does not think that the overall head person at their home office knows what the site looks like. But it's not that they don't care. They are very willing to cooperate. He said it will be interesting to see if they go back to their original landscaping plan, and what they would like to do.

Mr. Beefy's built an addition without either a zoning or building permit. This addition was noticed on August 9, 2005, and this information has been forwarded to the WC prosecutor's office.

Mr. Garn said he has taken two violation notices down there. Mr. Black asked what down there means. Mr. Garn said to Mr. Beefy's and hand delivered them. He thinks he will have to hand deliver them again, because he since has talked to the liquor control commission and found out how they deliver them and what they do, so he will probably redeliver the notices to them. Mr. Black asked what is the end result. Mr. Garn said the end result would be to ask them to take out the fencing, take that down, and to tear down the addition to the building. Mr. Black asked if that required trustee approval, or can he do that on his own authority. Mr. Garn said he is going to guess that they are going to go the whole nine yards and go to the common pleas court. He is just sort of guessing. Mr. Black asked if that was the notice that he had given to them to tear it down. Mr. Garn said no, he hasn't. His is just the basic notice of up to a \$500.00 a day fine and so on because they haven't gotten any permits for this. Mr. Black said and does he think that he didn't give them proper notice and that's why he is doing it again. Mr. Garn said correct. He gave them notice as to what he thought was a reasonable notice, but they have two or three different names that are principals. So he is going to shot gun and get everybody, and he is going to have the principal sign and date that they received it. The last time the owner, or what he perceived as the owner, sent out a manager. So he thinks it's the same problem as the last time when the builder showed up, but the owner never did. He thinks there is a reason for that. Mr. Black asked him if he has made the trustees aware of this issue. Mr. Garn said yes, they know. If they want to drive by and look at the back side of Mr. Beefy's towards the market any time, you can see the addition was put on. It's better to look at it now before they get wise to it, but it's not painted. Everything else was painted when they moved in. They left this unpainted, so it's worth taking a look at. Not that it's any massive addition. Mr. Black asked him if he has any pictures, and Mr. Garn said he has taken some photographs of it. Mr. Schaller said they were in such hot water the last time they painted things, they probably didn't. They feel like we are never happy. Ms. Warnimont asked if Mr. Garn had to have a police officer with him or anything where he can't send out a manager because he has a police officer with him, and you want to see the actual owner. Mr. Garn said he would just hand it to him. He is not sure what is going on there.

Mr. Black asked if there were any other issues. Mr. Garn said there will be a couple of other things coming in. Woodmont apartments will be coming in for a site plan review. They said they will be mailing things in phase 2. That was approved for a minor change to the PUD. But he told them that they needed to come back to them for a site plan review on phase 2 because they had done so many changes to the property, that he felt that they needed to come in. Mr. Black asked if that would complete Woodmont then. Mr. Garn said that would complete it. He is not sure what they are going to send, because they only want to build three of their 20 some buildings. Their previous engineer was saying that their ponds, the one pond is adequate to handle that. He does not know. They changed pond number 2. Mr. Black asked if that would be subject to Feller Finch review. Mr. Garn said yes, and also, which he forewarned them, but he believes the city will also want to review everything there. So they are aware of

that. They don't know what the outcome will be. Mr. Black asked if he expects that to be on November's agenda, and Mr. Garn said yes.

Mr. Garn said the other thing he will be telling people when they come in, that if they could please get their drawings to them 4 to 6 weeks before the next meeting so they can get their things taken care of. You can tell with Penta County, that was in 4 weeks before, and still they are working up until today trying to take care of deficiencies. So 6 weeks is more than adequate time.

Mr. Black asked if there were any other comments by any of the members, and then he asked if there was a motion to adjourn. Mr. Rometo moved with a second by Ms. Warnimont to adjourn. All were in favor. None were opposed. Mr. Black announced that the meeting is closed. The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Grant W. Garn,  
Recording Secretary