

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

ZONING COMMISSION MEETING
December 12, 2005

The Perrysburg Township Zoning Commission held a meeting on December 12, 2005. Mr. Black, Chairman, called the meeting to order at 6:03 p.m. A roll call was taken. The meeting was tape-recorded. Mr. Garn, zoning inspector, was also present.

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: Mr. Black asked if there was a motion to approve the 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 11/14/05 MINUTES: Mr. Black asked if there was a motion to approve the 11/14 minutes. Ms. Warnimont moved with a second by Mr. Schaller to approve the minutes. 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, and Mr. Black. Mr. Benavides and Mr. Rometo abstained. Motion carried 3-0-2.

APPROVAL OF 9/12/05 MINUTES: Mr. Black said to Mr. Benavides that as he knows, it is just him that is present to vote on the approval. And since the rest of the members cannot approve those, he said that Mr. Garn should get the other members to sign off. He thinks the chances of the three members being here together to vote on the minutes is unlikely. He asked if that was all right with the rest of the members, and they all agreed. He asked if somebody would like to make a motion to that to have the three members that were present sign off on the official minutes. Mr. Black then made that motion with a second by Ms. Warnimont. He asked if there was any further discussion, and he added that he thought that was the best way to handle it. 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.

Mr. Black asked if there was anybody present for anything other than what is on the agenda, and there was no one and nothing.

Mr. Black swore in all persons wishing to address the commission this evening.

ZONING CHANGE APPLICATION NUMBER ZC 2005-04. Continuation of the 11/14/05 Public Hearing. MDM, Ltd., brought in an application from an Earnest C. Conner who wishes to have his property located at 29301 Simmons Road rezoned. This property is approximately 7.3 acres in size and is located on the west side of Simmons Road, south of the Belmont Meadows Subdivision, and northeast of the Ohio Turnpike. The property is presently zoned R-1 (Rural Residential District). They are requesting that the zoning be changed to PUD-RS (Planned Unit Development). The developer has stated that they would like to build 7 buildings containing 28 single-family dwelling units. Their drawing has been revised from the one presented on 11/14/05.

Greg Feller addressed the commission regarding this zoning change application. He told the commission they are asking approval for the PUD. He would like to go over the PC's comments and kind of address those. The PC on their letter to Mr. Garn, they had three comments that they had made. Two of the comments were suggestions that they felt should be considered, and one of them was something that they thought should be required. He started off with number two which is what they wanted.

What they thought should be required was an increased setback to the southerly property line of 45 feet, and then some buffering along the south property line. They have no problem doing that. They are okay with adding a 45 foot setback to the south property line, and the developer would propose to do mounding and landscaping along the southern property line. So they have no problem with that whatsoever.

The first comment that they had, they suggested, was removing a building. Removing a building would eliminate four units out of the 28, which is basically 15 percent of what they have, and the developer has told him that that just would make this project economically unfeasible to do anymore. So he really can't do that.

The third comment was consider spacing of 45 feet between the buildings. They feel that 30 feet is appropriate. They feel that 30 feet is enough room. This development is going to be very similar to the Stone Gate Villas development that was approved last year, and that had 30 feet between the building envelopes. He is not sure if any of the members have driven through there or not. He has driven through there and pulled into the driveways, and he thinks there is plenty of room to maneuver around. And one thing they have to remember is these buildings are going to be similar to Stone Gate in that the garages are actually inside the building, they are not 30 feet apart. They will be more like 60 to 70 feet apart. So there is going to be more room to maneuver into the garages. So they think 30 feet is appropriate. If it's the will of the ZC, they can provide more than 30 feet, but they can't provide 45 feet between all the buildings. He did some playing around with the layout, and that's not possible, but they can provide more than 30.

However, they would rather not do that for a couple of reasons. Number one is if they notice, there is a 70 feet setback off the turnpike that has to be maintained. By starting

to spread those buildings out, building some gets pushed further and further north along that diagonal 70 foot setback. What that does is that basically pushes the detention area into the 70 foot setback. They wanted to try to keep as much of the detention area out of that setback, because they want to leave that as natural trees as much as possible. Because obviously keeping the tree buffer there will help their development from the turnpike, and it would also help screen the subdivision to the north. They would rather not move the buildings any further apart for that reason. And the second reason is as you push building seven further to the north, it also pushes the road closer to the development to the north which they don't want to do either.

So they feel that 30 feet is sufficient for people to maneuver and pull in their driveways, and they would rather not increase that because of those two reasons. Now, he did some playing with it, and they can provide more, but they would rather not just for those two considerations. He would be happy to answer any questions.

Mr. Black asked if the members had any questions. Mr. Schaller said he was kind of curious at the entrance there, why do they have so much open space between the north property line and that street. Mr. Feller said they felt when they were laying it out, they kind of had to put the buildings on one or the other property lines because the open space requirements in the PUD code said you can't have like small fragmented open space. So they wanted to keep as much open space together as possible, so they felt they would have to put the buildings to the north or the south. The first layout they did was all the buildings to the north and then putting the road to the south of them, but that obviously puts all the buildings close to approximately 14 homes in Belmont Meadows that are on that property line. So they felt it was a better compromise to put the buildings along the southerly line. That way it would only affect one homeowner instead of 14 or 15 homeowners. So that's why they put them there. And they put them as far south as they could to have as much consolidated open space as possible per the PUD code. But like he said, if the PC wanted the 45 foot setback, and they have no problem with doing that.

Mr. Schaller said they suggested buffering on the south property line. What about on the north property line. Mr. Feller said there is an existing hedgerow that runs along the north property line. He is not sure if it's on the Belmont Meadows property or their property, but there is an existing hedgerow that is there that the neighbors wanted to be maintained. They had a meeting with the neighbors prior to submitting this, and that was their main concern was maintaining that hedgerow, which they are proposing to maintain that. The developer also was going to do mounding and landscaping along the north property line also. But that will be part of his landscape plan that he submits for approval with the site plan. But the developer will mound and landscape both the north and south property lines.

Mr. Black asked Mr. Feller if he wouldn't have any trouble keeping them 45 feet apart locating the building, would he. Mr. Feller said they will not with the building. Mr. Black asked Mr. Garn if he had any comments.

Mr. Garn said there was one question that the WC Engineer had about the turnpike having an extra easement for storm drainage in the corner, and he did not know if they were able to check that. Mr. Feller said they were still looking into it. They have not found anything yet, but they are looking into it.

Mr. Black asked if there was anyone present who wished to speak, and he asked if they were all here for this hearing. He asked them if they went to the WCPC meeting.

Cindy Baroudi addressed the commission regarding this zoning change. She asked if it would be possible to give everyone a copy of her speech just in case she faints because she is not a public speaker. She gave all the members a copy, and therefore her comments are not reiterated within these minutes as a copy will be attached. She thanked the commission for allowing her to speak.

Mr. Black asked if that was true that the developer did not contact them, and he asked why that was. The response was he thought they were on the list, but they were not. They just got missed. It's as simple as that. He had a consultant that he used. He did a search on everybody in the area, and they thought they had everyone, and they didn't. Mr. Black said that was quite an oversight. Mr. Garn asked if the developer would identify himself. Mr. Black asked him to identify himself.

Doug Miller addressed the commission concerning this zoning change. He said he has a consultant that he worked with. He did the search for all of the area property owners. They thought they had everyone, and they didn't. And he does agree it was a large oversight. It was not intentional.

Don Keller addressed the commission regarding this zoning change. He would like to mention the fact that he thinks there was only three or four property owners that were notified, and there is a whole lot more that are involved in that. And another thing he would like to know about is the construction of the mound of dirt on the south side. He was told they were supposed to plant evergreens on it. He does not know if that is true or not, if it's part of their plans, but he would like to know if it is part of their plans how high a mound, and how many trees, or how far apart the trees would be planted. He has a notion that it isn't going to be 2 foot from his property.

Mr. Black asked Mr. Feller what his plans were for that. Mr. Feller said they obviously haven't designed it yet. Whatever height of mound they can fit in there with three to one slopes and trees. That will all be on the landscape plan that they submit, but that has not actually been designed yet as far as number of trees, height of trees. They have not designed it yet. They are willing to provide mounding and trees, they just

haven't picked exactly what trees, how high, and that kind of stuff. They have not gone through that yet. The response was he should think that would be part of the plan that's submitted now. Mr. Black said they can't build unless they get a site plan approval. They will have to approve the landscape plan if they approve them on this zoning change. He asked if there was anyone else that wished to address the commission.

Diane Rowe addressed the commission regarding this zoning change. She thinks there were several neighbors who were concerned about having a multi-family development sandwiched in between single family, single family, single family around all sides. Again she repeats what the lady said earlier, that they are not opposed to development, but condos instead of single-family is not something that seems to gel with the community.

Mr. Black asked Mr. Feller if he had given thought to the traffic issues. Mr. Feller said he did a quick calculation, and based on the ITE Traffic Manual and condominiums, 28 units would generate approximately, on the peak hour, 15 trips an hour, peak hour. That's only one car every 4 minutes. So they understand that there will be some traffic. They don't feel it's going to have a negative impact whatsoever. One car every 4 minutes in the peak hour is not that much. However, the WC Engineer will have to look at this. If they determine that traffic studies need to be done, or there needs to be improvements to the road, then that's something they will have to do per their review. But at this time they don't think that the traffic is going to be an impact whatsoever.

Mr. Black said he is concerned that the adjoining property owner did not get notice, and that should be pretty simple to figure out. You want to make sure all the property owners have been notified and had a chance to go through all this. He asked if there were any comments from any of the members.

Ms. Warnimont asked Mr. Garn if there was enough space on the south side to put a mound with trees on it, if that's what they are talking about. Mr. Garn said in that 20 feet. Mr. Schaller said they are increasing it to 45. Ms. Warnimont said oh, it will be increased to 45, and Mr. Feller said they will increase it to 45 feet. 20 feet, no, is not, but 45 feet, yeah, there will be. Mr. Garn said 45 feet, there should be enough. He does not know how high of a mound. It could probably be three or four feet high.

A question was asked if they knew the number of adjacent residents that they did contact. The response was they had a room full at Belmont. There was some discussion that was inaudible. Mr. Black asked Mr. Garn if he had any other comments. Mr. Garn said he is not sure if they would have to have another drawing done beforehand to show that, the setbacks for the buildings, if they would so choose to pass it that way.

Mr. Black said he was not convinced. He then asked if there was a motion to approve, and he then made the motion to approve with a second by Mr. Rometo. A roll call vote

was taken. No votes by Mr. Black, Ms. Warnimont, Mr. Benavides, and Mr. Schaller. Yes vote by Mr. Rometo. Motion defeated 1-4-0. Mr. Black said the motion for the zoning change has been defeated. There will be another public hearing, and he asked Mr. Garn for the date. Mr. Garn said the next hearing would be with the trustees. The trustees will be notified at their meeting next Monday, and then they will set a hearing date at that time. Mr. Black said what will happen is they will have a chance to speak again, and the vote of the trustees has to be unanimous to overturn the ZC's decision. So the recommendation right now is to recommend to the trustees that they not approve it. The only way that recommendation can change is if they vote unanimously, so it's important for them to be at that meeting.

A question was asked, and the gentleman would like to know, this other program they had, they are referring to the difference between 30 and 45 feet between the buildings to give more readily accessible place to the garage, he wondered if they made a survey of this other property that he was talking about to see if those people were satisfied with 30 feet instead of the 45 feet that WC recommended. Mr. Black said he did not know. The gentleman further commented he thinks they should have a survey to see how satisfied those people are with it, of 30 feet instead of 45 feet. Mr. Black said they have done all they can do. It will be up to the trustees now. The public hearing for this zoning application is now closed.

SITE PLAN REVIEW FOR VICTORY PLACE LOTS 6, 7, AND 8. SPR 2005-10.

Dold Development is planning on building apartment buildings on lots 6, 7, and 8. This development is located at the intersection of Tracy and Ayers Roads. Tom Opal of Dold Development is working on this project. An independent engineering firm is reviewing their updated plans and checklist for compliance.

Donald Cogan addressed the commission regarding this application. He started off by saying based on a memo received this day at their office from David Kuhn from Feller Finch, he believes they have satisfied all the requirements of the submittal save for two comments that he had. The one was being trees outside of the right-of-way between the driveways, and if he understands it correctly, he is referring to this area which they certainly have no objection to. That was a pretty good comment. They would certainly stipulate to that. The only other comment that was on the memo that they received regarded a sidewalk from what they believe he is referring to the visitor parking area which is this little area right here. Once again he had the same comment on lot 6 when that was brought in. You don't really see where that sidewalk would go to. His comment was to get folks out of the driveways, but that's the intended path to get to the houses no different than a single family. So they are not really certain where that sidewalk would go, or what benefit it would be. So once again they would renew their objection to that. Outside of that they believe that they have changed the plans to reflect all of the comments of a previous letter dated December 7th.

Mr. Black said he is saying the visiting parking area is supposedly really handicapped parking, and the response was correct. Mr. Black asked if there were two spaces of handicapped parking, and the response was there are two spaces side by side right there.

Mr. Black asked Mr. Garn if he had any comments. Mr. Garn said he talked to Mr. Kuhn today, and he said that the tree issue, he thought that possibly they would want to plant some trees on their property. And the other was the same thing on the handicap parking and the determination of the ZC on that. He does have some other drawings, their other drawings, if they are any better for the commission for them to look at. Mr. Cogan said he believes he has the same layout as he has. In order to capture all three of those lots, the scale is fairly small. He apologizes for that. But these three lots are identical to lot 6 which they currently have under construction out there now.

Mr. Black asked if any of the members had any comments. Ms. Warnimont had a comment about the trees on the right-of-way, is that because their zoning does not allow it, and Mr. Garn said right, they don't. Ms. Warnimont said is that still right, and Mr. Garn said that they don't allow trees and so on to be planted in the right-of-way, but he was hoping that the trees could be moved into their property. Mr. Cogan said correct, and they would like that as well. They could put the trees, and he asked Mr. Garn to correct him if he was wrong, just inside on their property outside of the right-of-way. Mr. Garn said correct. Mr. Cogan said they think that is a good change. Mr. Black said it's really only the trunk that has to stay out, and Mr. Garn said correct. Mr. Cogan said that will make for a nice little front yard look, because that will be in front of the porch areas the way the buildings are laid out, and that will look very nice.

Mr. Black asked if there were any other comments, and then asked if there was a motion to approve the site plan. Ms. Warnimont moved with a second by Mr. Benavides to approve the site plan. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Benavides, Mr. Rometo, Mr. Schaller, and Mr. Black. 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.

Tim McCue addressed the commission regarding this PUD Amendment. He thanked the commission for allowing him to address them this evening. They have the project over there called the Hamlet Glen on River Road that was approved previously as a four unit

PUD. They are asking for a minor PUD change. They are simply going to take the buildings and make them a little bit smaller. According to the zoning ordinance, which he has a copy in front of him, they show each of the areas that they basically comply to. They are not changing the amount of units. There were 4 units approved, and they are leaving that at 4 units. They are not encroaching on anything, any of the established setbacks as they can see by the new site plan. They are not going into any of the parking areas. The buildings do not encroach on any of the approved parking. They are not creating a large building mass. The buildings are generally the same size. They are simply taking a building that was 100 feet and making it 78 feet or something. So it's just a smaller building on the same footprint is all. And, of course, there are no signs there. The driveway originally was going to be a cul-de-sac, and to service these units they felt they would do a little bit better with a T street.

Mr. Black asked about this drawing, is this the original or is this something else. Mr. Cogan said that was the original that was approved. Mr. Black said so there are 3 buildings. Mr. Cogan said yes. One building is a twinplex. It will be similar to what they put at River Oaks off of White Road. And then they will take that same building and break it into two, and they get two single families on each one. So essentially it's the same footprint, just a little bit smaller.

Mr. Black said he recognizes that this is what was approved, but he also needs to comply with the current PUD, and this sketch will not comply. Mr. Cogan said that is not his sketch. That is what was approved. Mr. Black said right. This is what they are requesting. Mr. Black said okay. Mr. Cogan said this is what was previously approved with the cul-de-sac, and Mr. Black said okay, I got you. Mr. Cogan said they are simply going to reconfigure that same site plan making it 58 feet wide. So they are making it smaller. They are not increasing. Mr. Black said he was sorry. So the setbacks are still the same, and Mr. Cogan said that is correct.

Mr. Black asked Mr. Garn if he had any comments. Mr. Garn said one comment, in examining the plan, the front, side, and rear setbacks is the standards for perimeter lots. All lots that are located along the perimeter of the PUD shall have the minimum front, side, and rear setbacks equal to those that would normally be specified on the adjoining zoning districts. Now, the district to the right was an R-1 PUD, and across the road on Duxbury is an R-1 PUD which you have some setbacks which are a little different. The R-1 for off site utilities has a side yard setback of 10 feet out of a total of 25, and then a rear of 16. These are unusual because it has a commercial zoning to the south of it, a C-1 zoning also. So he is going to sort of leave it up to them. Mr. Black said the original drawing shows 60 feet, is that correct. Mr. Garn said they are only showing 50. The comment was no, the original is showing 50, and they are showing 70. Mr. Black said he means on the south side. Mr. Cogan said on the south side they were showing 60, and they were at 30 on this building right here. Mr. Black said that would be a different setback. Mr. Garn said somewhat. He said when that was done, their rules stated that the front yard setback was supposed to be 70 feet,

and the original one only had it at 50. And then more of a rear yard, if that is a rear yard. Mr. Black asked when in '93 was this approved. Does he know what month. It was noted that it said '83. Mr. Garn said it says '83, but the actual ZC was approved March 8th of '93. Even though the drawing says '83 on it, the actual final approval by the trustees was April 5th of '93.

Mr. Cogan said as he understands it, they would be authorized, if you will, to go ahead and build the original footprint, but they feel the new footprint serves the community just a little better. They have had wonderful results in their River Oaks project end product. It looks good, and it serves the community very well. So they are basically going to do that over on River Road which is just down the street.

A question was asked if there was a railroad back there. Mr. Cogan said yes, there is a railroad back there. There was some discussion that was inaudible.

Ms. Warnimont had a question for Mr. Garn about the parking. Is that permitted in the front like that. It's going to be within that 70 feet setback, the parking, and she did not know that they allowed that in the front setback. Mr. Cogan said he believes you are allowed to park in the setback. You can't put a building in the setback, and that is his understanding. Mr. Black asked Mr. Garn if he knew off the top of his head, and Mr. Garn said he did not know off the top of his head on that. Mr. Black asked which section that is, and Mr. Garn said parking is Article IX.

Mr. Schaller said the difference between the major and the minor is basically they are going to start this project, and they are going through the process of asking for a major or minor revision. Mr. Cogan said minor revision because they are following the same footprint, they are just making the buildings smaller is all they are doing. Mr. Black said the major one would go through the whole review process. Mr. Cogan said they would if it were a major. But that's why he is here. The alternative would be to go ahead and build the other footprint which he would rather not do. He would rather build a more modern building.

Mr. Garn said they have under Article IV, Section B 4 b, it says no off street parking shall be permitted in the required front yard of any residential district. Parking spaces shall be set back from the street in conformity with the established setback requirements for residential use. Mr. Cogan said he believes it was permitted under the original PUD, and that's why the only change they are asking for is just a smaller building. Mr. Black said the original PUD does not show any parking. Mr. Cogan said he does not disagree with them, but he didn't approve it. It was approved as it's drawn. And he grants them it's not the best drawing he has ever seen in his life either. But be that as it may, it was approved at the time. Mr. Black said there was no off street parking when it was approved. If he can show him off street parking on that drawing, he would like him to show it to him. Mr. Cogan said okay, he can't. Mr. Black said it was not approved, was it. Mr. Cogan said the drawing was approved. Mr. Black

again asked where is the off street parking. Mr. Cogan said he can't answer that. He does not see it on the drawing. Mr. Black said it isn't there, correct, and Mr. Cogan said okay. Mr. Black said he would say the off street parking does not comply with zoning.

Ms. Warnimont asked why they have that there, for overflow. Mr. Cogan said these units usually don't get that amount of parking. His engineer was supposed to be here this evening, so he is kind of winging this, if you will. He is at another meeting. He found out on his way over here that he wasn't going to be here. Ms. Warnimont said but there are garages with these units so that people pull into garages, and Mr. Cogan said exactly. Ms. Warnimont said and there is room to park a car behind on a driveway part of it. Mr. Cogan said yes, this key road here accommodates two cars in front of the garage, two cars in front of the garage here, and this was just room for two cars as well on the other singles. So why there were an additional six units he thinks was just a matter of convenience. Generally that was more parking than they ever used.

Mr. Black asked what is the footage along the railroad. It would be the southerly property line. Mr. Cogan said well, if it was this one, it's 396 feet. Mr. Black said this drawing shows 587 feet. Maybe it's not the same piece of property. Mr. Cogan said it's the same piece of property. Mr. Black said he was confused because this drawing says it's 587 feet, and that says it's 396 feet. Mr. Cogan said he thinks the way the drawing was drawn, because this is the third phase of this three-phase project that was approved, and he thinks that was before that with the other phase. Mr. Black said no, it looks like it's 1,800 feet. Mr. Cogan said yeah, the whole would have been 1,800. Mr. Schaller said this drawing refers to 3.79 acres, and you have 1.75. Mr. Black said he was not convinced this is the same piece of property. Mr. Cogan said he would have to get a larger legal description. Mr. Garn said they have a copy of the legal description. Ms. Warnimont said the legal description on there says from before when it was approved before pertaining to 3.792 acres more or less. She does not know where they got the 587.78 on the original drawing, but it says 3.792, so it's even increased a little bit. Mr. Garn said or decreased actually. Ms. Warnimont said now it's 396.14, so yeah. Mr. Garn said but they are saying actual acreage is only 1., so it's under 2 acres. He did mention that to a gentleman from the national survey, and he was going to check into that, but he does not know. He is not here.

Mr. Black said he thinks the best thing to do is to come back and be clear that they are talking about the same amount of property. Mr. Cogan asked when they could reschedule it, and Mr. Black said next month. Mr. Garn said January 9th. Mr. Black said he would have to comply with the current PUD development and all the rules that are part of it. Mr. Cogan asked what if they built the original plan. Ms. Warnimont said they couldn't because it's only 15 feet back, and he needs 30 under the new regulations. Mr. Cogan said it was approved before. Mr. Garn said right, it was approved, so he does not know. Mr. Black said no, he does not think so. He thinks time goes by, and a new development comes in. You still have the prior setbacks. Mr. Cogan said but if it was approved at one, he does not think they are required to change

it each time the code changes. Mr. Black said he thinks it's reasonable that after that many years, that you can build it at the necessary requirements. You take your position, they take theirs. Mr. Cogan said he does not know where it says what the time limit is on it. 5 years, 10 years. If that's the requirement, they certainly want to comply with it. Mr. Black said they are new rules, and they certainly apply. Mr. Black thanked him, and Mr. Cogan said he would see them next month.

ZONING CHANGE APPLICATION NUMBER ZC 2005-05. Timothy Burns of Grassy Creek Developers, LLC, is proposing Creekside, which would be a PUD-RS adult living community. It would be located on the east side of Simmons Road, and north of Wyandot Place (near SR 795), and west of I75. The application has been forwarded to the WCPC for their consideration and comments. Mr. Burns would like to informally present this updated version and would appreciate any comments from the ZC.

Mr. Black asked Mr. Garn if he has taken that down to the PC, and Mr. Garn said he has taken that down to Wood County. Mr. Black confirmed that it's already down there, and Mr. Garn said he took that down this day. Mr. Black asked if he had noticed any changes, and Mr. Garn said yes, there have been changes, and that Mr. Burns is present to describe the changes. Mr. Black said he did not see him back there.

Timothy Burns addressed the commission regarding this application. He informed the commission that it would probably be easier to point out some of the changes once he gets the map up. He started with there were three recommendations the last time he was in front of them, and they suggested or wanted to see from him prior to moving forward and potentially making this development a realism. One of them was to visit the City of Perrysburg and talk with their plans department or commission. And the fellow they met with, and his name escapes him, but they met with him with himself and his engineer. Went over the project with him, what their requirements were, and he did not have any real objections. The only thing that he suggested to them in their planning phase as they went forward was to look at the most stringent rules for setbacks, sidewalks, streets, whatever it may be, whether it were township or city, and comply with the most stringent of both. So whichever way they were falling in within the proper guidelines. So as that meeting resolved, he seemed to be pretty happy with what he saw as far as the project and how it was designed.

Mr. Black asked him what he needed from the city, water and sewer, or just water. Mr. Burns said he believes it's water and sewer. He needs both utilities. The Wyandot Place has sewer. That may eventually fall in the county and not the city. And right in here is kind of tricky because that's where the switch is between the city and township. Mr. Black said he will have to ask the city for at least one of them. Mr. Burns said he believes it's both from what he understands.

This piece of land here, the last time he was here, this is the retirement building. He opened it up so it's larger. There is a piece of land right here that's a vacant piece of

land that they also looked at the ability to use as part of the development. It did a couple of things. It mostly just increased the size of the problem. As they reviewed that piece of land from the engineering standpoint, they came to the conclusion, as far as development purposes, that the land is unusable. It's low land and would take significant construction work to make it usable, which would require a lot of work. If they are familiar with that piece, it's pretty much a completely wooded parcel, and would take basically taking every tree off the lot, clearing it. And by clearing it, clear cutting. There would be nothing left, because anything that was there would not survive the amount of earth that would have to be moved in in order to raise it to a buildable level. He did look at it. Made a verbal offer to the, he believes it's in trust, but his contact through that property, he made a verbal offer which they declined. He thinks their feeling is that they can eventually do something with the property that's more useful than in his case what would have been just green space. He would like to buy it as a green space buffer in order to leave it as a wooded section. It would have been a nice buffer to the development. And he thinks as far from the standpoint of the neighboring properties for them to be assured that it was always going to be treed and green space, he thinks they would have liked to have seen it. So that parcel, and you can see how quickly the lines drop off. It really turns into low lying area back in there. For the purposes of development was going to be unusable to him.

Once they realized that, and they have moved the development into the parcels that he is currently working on, the retirement center, which is an adult independent living in-house community, was 103 units, he believes. They have shortened that down. They are down to 70 units now. They also took out a couple of the other multi-family units to fit that unit into its place is a good way to describe it. So that's the bulk of the change that went on as far as the design and the concept.

The other thing that was requested is that they do a traffic study, and they did do an independent traffic study, which if they want to see it, he brought a copy along with him. It states pretty much what he suggested at the previous meeting, the traffic is much less with this type of a neighborhood than it would be with a standard single-family development. Not only peak time traffic, but all time traffic. Mr. Black asked did he give a copy to Mr. Garn. Mr. Burns said he did not. Mr. Garn said he knew that there was one. Mr. Black asked if he could give that to Mr. Garn, and Mr. Burns said certainly. Mr. Black said why don't you just give it to him. Mr. Burns said he is not necessarily a hundred percent an engineer, and reading the numbers, but it goes from peak traffic, and that was from, if he's reading this correctly, but he will let them look at it. Mr. Black said Mr. Rometo is their specialist. He is with ODOT. They might be able to read it. He read pretty much the results, but the percentages, and Mr. Black said that will give Mr. Rometo a chance to look at it between now and next month. Because obviously this is not a public hearing. Mr. Burn said correct. But it did state basically if they were to take this into a single-family community, which should fall within the zoning that it is currently in, what they are trying to do with it will not increase the traffic versus that type of community. It would be a lesser amount of traffic. Even

though that there are a larger number of units, especially during peak hours. The peak hours, the get up, go to work traffic, coming home at the same time traffic. The time that this type of community will travel will be during the less peak hours which should put less of a burden on Simmons Road, which also was raised as far as a question here earlier this evening.

The third suggestion that he took was to meet with the adjacent bordering homeowners, and he has a list of the landowners that border this. They were all sent an invitation to a public meeting that was held at the Perrysburg library, and he has a list of those that showed up. He can't tell the members that everybody signed this, but this is a list of those who did sign their names and addresses. He knows some of them were husbands and wives, and he's not sure if both of them signed. Mr. Black asked him if he felt confident that he got all the adjacent property owners. Mr. Burns said he basically did open forum, presented this drawing, only at the time it was larger. It was what he had shown to them the last time he was in front of them, so it has shrunk a little bit from that standpoint. The comment was basically yeah, they have all lived with this farm field behind them, and they would love to have nothing there. And he understands that. But from a development standpoint, they all were very open and listened to the ideas, and he thinks the consensus was, and he thinks they will find that the consensus was during the public hearing is that as far as a neighborhood that's going to go in behind you, this is about as nice of a neighborhood that you are going to get as far as being quiet, friendly neighbors.

Mr. Black asked if he had anyone who was opposed. Mr. Burns said he had one objection, and again a public hearing versus what they are saying to him may be different, but this is what was brought out into the open to him. The only complaint that he received that he would say that they were upset with the fact of trying to do this type of thing, was this family here, and he pointed them out, and their complaint basically was traffic, entering and exiting directly in front of their house. They did take that into consideration when they were designing it, and this is kind of very similar to the other development that was presented this evening. They could have put this road anywhere. In fact, the request of the landowner, and they were requesting that he give them a maximum space along this area as a buffer for them, and it was kind of an effort in order to work with them as far as the landowner side of it.

Mr. Black asked if he owns the property now, and Mr. Burns said he does not own the property now. He has it basically under option, and Mr. Black said subject to approval, and Mr. Burns said right. And he had to have actually two different landowners, because it's a combining project of two different landowners who both have sign the, he is not sure if it's application or appeal or whatever it is to go through the formal process.

Mr. Black asked if any of the members had any questions. Ms. Warnimont said she had a couple of questions. Were all of the neighbors on Wyandot notified, or just the ones

that abut to that. Mr. Burns said correct. That was one concern that he knew would be an issue was when they get to what would be phase 2 of the development, this is that area that they discussed, and that's between Wyandot. There is a right-of-way here that comes along with this parcel, and it was put in there for the reason that if this thing was ever developed for whatever, it always maintained access. They have discussed with the fire chief and the fire inspector who he had to ask Mr. Garn's help with his identity. They discussed egress, getting in and out of the neighborhood. He did not seem concerned with needing this access. They have at this point in time left it here again because it has to go through the PC. One thing they did discuss is a possible kind of compromise that he thinks would satisfy emergency situations if they arose as well as the Wyandot neighborhood, which as the members know is a small neighborhood, small streets, and they don't want it. As nice as it would be to have this traffic come out to the right, it also would have to go through their neighborhood, and he thinks it will be a real hindrance to them, and he is understanding of that. And what they discussed was doing a potential paver type area here which would be compacted like a street, but it would allow grass to grow over it. They would give public access here as far as emergency access. This may have to be widened some in order to make that happen, and this would be gated off where the fire department and police department would have keyed access to a gate that in emergency situations, which realistically if they get back to this point here, which is as far back as what Parliament Place is, which is the development just north, if they get back to that point, they can turn around. They are just as good as they are at Parliament Place, which has a cul-de-sac at the top which is the far east part of the development. The only thing that would stop that is if there is some type of obstruction between here and the Parliament development which would be this section here. In that case there would be potential emergency access in case of fire, police, whatever the requirement would be.

Mr. Black asked Mr. Rometo about the Simmons Road intersection. You know there is a light at Parliament. Mr. Garn said at Wyandot. Mr. Burns said it's kind of a little bit off. This is more across the street. Mr. Black said that's really too close to have two lights. Mr. Burns said he knows there is a requirement for that, and he does not know about the light. Mr. Black said but one of the things that you see as you get more growth out there, Simmons Road and 795, at night or in the morning is congested now. As you get more development out there, that creates its own issues there. The comment was made that's what would make it nice to come out on Wyandot. The comment was made the light that's at the front of Wyandot is, he is not sure, necessarily for Wyandot, though, it's for the south bound 75 traffic. Mr. Black asked if that came out about the same, and the comment was it's directly across from it. Mr. Black did not realize that. Mr. Burns said he thinks that's probably the issue there. And like he said, from a development standpoint, he would love to have a light at the front of the neighborhood, but he also understands the neighbors, and he is trying to keep that in mind as if he were living in that neighborhood, and how it would effect him, and he would not want on what is streets that are really not designed to handle that type of traffic. Mr. Black said he certainly can see how that Simmons Road/795 intersection is, and Mr. Burns

said certainly. And in that traffic study he believes it was reviewed to see whether there would be a requirement of like a deceleration lane or acceleration lane. And from what he understands, and again he is not an engineer, but his engineer has reviewed that. Mr. Black asked what the name of that engineer is, and Mr. Burns said is it Poggemeyer, and they are independent, not involved with his engineering firm.

Mr. Black asked if there were any other comments, and specifically ask Mr. Garn. Mr. Garn said he did not have any at this time. Mr. Black thanked him and said it would be set for a public hearing on January 9th.

Mr. Burns asked if there were any other suggestions. He is truly trying to do something here. Mr. Black said one of the concerns obviously that he just talked about is traffic. Mr. Burns asked Mr. Black if they would also like a list of the people that did show up to that public meeting. He said at the library when you have a meeting, it is public, so not only did the people get invited, but it is public, so you can't do any closed doors. So even people that weren't necessarily invited could have showed up. Mr. Black thanked him and said they would see him next month.

Mr. Garn said he thinks on Wyandot Place he notified neighbors beyond. Mr. Burns said yeah, there was a question on that. Mr. Garn said the list is quite long. Mr. Burns said Wyandot Place comes in right here. All of these people as well as these units here back up and are adjacent to the property. But he also did invite anybody that was along Wyandot Place. But anybody that lived in that subdivision was invited to the meeting, understandably, because he felt the concern if he was in there, that they would want to come, and if they had questions or comments. He would say from that standpoint from the people in Wyandot, they were pretty together on the stand that they would like to not have the large amount of traffic coming to their neighborhood. So they were trying to accommodate that with the way it is designed with the best possible egress that they could give as close to the front of the development as possible. Which they can see this is Parliament Place here. They are almost parallel with each other from the depth of the street to where the first point of egress would be. Mr. Black thanked him again.

Mr. Black asked Mr. Garn if he had any other issues to share with them. Mr. Garn said he still has his ongoing issues with Mr. Smith and the auto auction.

Mr. Black asked if there was anything else. Ms. Warnimont had a question on what date a letter that he gave them because she does not understand. Mr. Garn said the reason he sent it on was he evidently wanted copies sent to the ZC. Ms. Warnimont said she was totally at a loss about it. Mr. Schaller said it says it's from a few folks, too, so just attach a copy to the meeting minutes and let it go at that. Ms. Warnimont said but they approved it. What was the problem. Mr. Garn said oh, because it took him one additional month because of the September meeting they were told they would have a continuation to the next month because they didn't have everything completed. Their architect basically was going to wing it at the meeting. Mr. Schaller said he says

the mistake was repeated two meetings in a row. Mr. Garn said there is no way. Ms. Warnimont no, the second meeting was approved. I pulled them and it was approved. Mr. Garn said it was approved at the second meeting. Right. They were not happy with the first meeting. There were quite a few calls after that. But they had their continuation, and the commission approved it. Mr. Black said he was not here for the September meeting, but he does not know what the problem was with the October meeting. Ms. Warnimont said neither was she, but then they approved it. Mr. Benavides said he was present at the September meeting, and he presided over that meeting, and Mr. Garn's description of the events is correct. They did not comply with their requirements. And contrary to what the letter says here, that they subsequently approved the other development conditionally, he believes that that conditional approval, actually they had previously responded to their independent engineer's request sufficiently in advance of the meeting. Mr. Garn agreed. Mr. Benavides said the Lathrup development had not responded in the same manner. As a matter of fact, they were reading the comments in the audience the evening of the meeting and then trying to answer back. There was a conversation going back and forth between the developer's engineer and the rep of the reviewing engineer's office who was not here for that purpose, but was here for another purpose trying to read back and forth and comment back and forth. It was just a zoo. And that was just no way to run a meeting. He does not think that is any way to run the business of the township, and he is disappointed in the letter. Mr. Schaller asked if he was present for the meeting, and Mr. Garn said no, he was not there for that meeting in September. Mr. Black thanked Mr. Benavides for clarifying what happened there. As far as an official response from the ZC, he would send the minutes and highlight the last portion, what they just talked about, and that will be their response.

Mr. Black asked if there was anything else. He asked for a motion to adjourn. Mr. Benavides moved with a second by Ms. Warnimont. Mr. Strzesynski asked if there was any possibility for new business. Mr. Black said he did not know when he got here, but he said at the beginning of the meeting if there was any non-agenda item issues. The comment was made that he came in after that. Mr. Black had him come up.

Dan Strzesynski addressed the commission regarding new business. Mr. Black said they will put the last motion on hold. In fact, Mr. Strzesynski said he has spoke to Mr. Garn many times over the phone over the last 4 years regarding zoning. Apparently people just decide. Maybe they don't come to the commission and just do whatever they feel like. How does the commission enforce what they do here. If people just decide to not even bother you and just build things, how do they enforce it. Mr. Black said if they don't know about it, Mr. Garn would have to drive by and see it, or someone would have to tell them. Mr. Strzesynski asked Mr. Garn if he knows what he is referring to. Mr. Garn said he does not know now what he is referring to. Mr. Strzesynski said he has a gentleman who put a building, actually he believes it's on his property, but if it's not, it's within inches of being on the property line. Mr. Black asked for the address, and Mr. Strzesynski said just a little ways past Fort Meigs. Mr. Garn said his neighbor is

Dr. Bihn. Mr. Strzesynski said he had Mr. Garn go down and look at the building. It's a red building. Mr. Black asked if this was the building that's the Fort Meigs fort. Mr. Garn said Dr. Bihn has built that. Mr. S. said same guy, and Mr. Garn said same guy. Mr. Black said the same location. Mr. S. said he lives next door to him, and he built a pole barn out in front, and that's the city, and they have no say in that, but they let him build a pole barn in his front yard. Mr. Black asked if Mr. Garn was aware of this. Mr. Garn said it's on city property where he built that. Mr. Black said oh. Mr. S. said but the thing is right next door to him. He actually owns two parcels there, and the parcel that his house is on is in the township directly adjacent to him. He has a building there. He has complained about it for probably three or four years. This gentleman come down and looked at it. Obviously it's within inches of the property line. He asked if that was correct. Mr. Garn said that's the difficulty is determining where the property line is right there. Mr. S. said to put a building, doesn't somebody have to determine before they put a building where they are going to put it. Mr. Black asked him if he knew where the property line is, and Mr. S. said absolutely he does. Probably within that far, and he indicated. He said it looks to him like it goes right to the corner of the building. But even if it isn't, it's required to be like 14 or 15 feet away. So basically it's supposed to be miles from where it is. He has complained. Should he just hook on to it with his tractor and pull it down.

Mr. Black said this building is property that's in the township. Mr. Garn said yes. Right. He has looked at it, and it's hard to determine. There is a difference between the neighbors as to where the survey line is. Mr. S. said there is no difference. He lied to Mr. Garn. Mr. Garn said that was put in long before he had the job. He just drug the building in one time and just stuck it there. Mr. S. said exactly. He said when he questioned him he was told that he got permission from the ZC to do that. He said he actually got a zoning variance to put that in because he said it was an agricultural building. Mr. Black said if he got a variance, that would be the BZA and not the ZC. Mr. Garn said that would be the BZA. Mr. S. said there is nothing on record of it. He lied to him. When he came down and complained to Mr. Garn, he lied to him where the property line was. Mr. Black said if they have a dispute over where the property line is. Mr. S. said he doesn't. He knows exactly where it. Mr. Black said he needs to have it certified by a surveyor. Mr. S. said the stakes are still there. They are there. They are in the ground right now.

Mr. Black asked Mr. Garn if it was an enforcement issue. Mr. Garn said it's an enforcement issue. It's interesting. Mr. S. asked who enforces this. Mr. Black said he has no record of the permit being issued, than that in and of itself is the issue. Mr. Garn said right. Oh, it's interesting. Mr. Black said you don't worry about the property line. Mr. Garn said Dr. Bihn is zoned agricultural, and he considers it agricultural property. Mr. Black said agricultural has to be used if you're using it for agricultural purposes. The zoning in and of itself is irrelevant. Mr. Garn said he understands that. He said that he is going to be, is, or raising something like llamas on the property. Mr. S. said he lied again. He was all over his property with four-wheel drive vehicles, drives

all over his yard, just to prove the character of the person they are dealing with. He called the police on him the other day, and they came there. He had already pulled them back into the tracks with the snow right through his garage. And the cops come, and he said oh, that wasn't me. He said he does not know who was driving his four-wheel drive vehicles, but whoever did it parked them back in his garage. So that's the kind of person they are dealing with. Mr. Black said he thinks it's an enforcement issue, and Mr. Garn can follow up on it. He said they do have a complaint on the property. Mr. Garn said yes. Mr. S. said he has complained before. Mr. Black said it's the first time it's come to the commission's attention. Mr. Garn said right. He told Mr. Garn to follow up on it. Mr. Garn said he will follow up. He will get letters from them. Mr. Black said that's about all. Mr. S. asked for a copy, because he had asked before. He thinks he had talked to them before, but he never was copied.

Mr. Garn said the thing if he is going to do, and that's the thing, have the farm animals and so on on that property, he has over 5 acres. Dr. Bihn knows the law very well, and he considers it agricultural farm property, and which the commission or the township has no say so over agricultural buildings. Mr. S. said he has to derive a certain percentage of his income off of that. If he derives zero.

Mr. Black said first of all, it has to be on his own property. That's the first. Mr. Garn said right. Mr. Black said there are setbacks even on agricultural. Mr. S. said no, there is not. Mr. Garn said not on farm buildings. Mr. S. said zero. Mr. Black did not agree. He asked Mr. Garn to take care of that. Mr. Garn said he would take care of that. Mr. Black thanked Mr. S., and Mr. S. thanked them.

Mr. Black said they have a motion on the table. A roll call vote was taken. Yes votes by Mr. Benavides, Ms. Warnimont, Mr. Rometo, Mr. Schaller, and Mr. Black. Motion carried 5-0-0. The meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Grant W. Garn,
Recording Secretary