

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

ZONING COMMISSION MEETING  
February 13, 2006, 6:00 p.m.

The Perrysburg Township Zoning Commission held a meeting on February 13, 2006, at 26609 Lime City Road, Perrysburg, Ohio. Vice Chairman Jeff Schaller called the meeting to order at 6:05 p.m. after some technical difficulties with the recording equipment. A roll call was taken. Grant Garn, Zoning Inspector, was also in attendance. He informed the audience that they have five members present. The meeting was tape-recorded.

MEMBERS PRESENT: Jeff Schaller, Carol Warnimont, John J. Benavides, Arthur Rometo, and Jeffrey Normand.

MEMBERS ABSENT: Robert S. Black and Stephen J. Stanford.

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

APPROVAL OF 1/9/06 ORGANIZATIONAL MEETING MINUTES: Ms. Warnimont moved with a second by Mr. Benavides to approve the minutes as written. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Benavides, Mr. Normand, Mr. Rometo, and Mr. Schaller. Motion carried 5-0-0.

APPROVAL OF 1/9/06 MEETING MINUTES: Ms. Warnimont moved with a second by Mr. Rometo to approve the minutes as written. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Rometo, Mr. Normand, Mr. Benavides, and Mr. Schaller. Motion carried 5-0-0.

APPROVAL OF 9/12/05 MEETING MINUTES: Mr. Schaller inquired of Mr. Garn regarding the approval of these minutes. Mr. Garn said two of the three members who were present that evening, Mr. Benavides, who acted as chairman, and Mr. Normand are also present now, so that would be two-thirds. Mr. Benavides moved with a second by Mr. Normand to approve the minutes as written. A roll call vote was taken. Yes votes by Mr. Benavides and Mr. Normand. Ms. Warnimont, Mr. Rometo, and Mr. Schaller abstained. Motion carried 2-0-3.

Mr. Schaller announced that a portion of this meeting is a public hearing, so he swore in all persons present this evening who wished to address the commission.

**ZONING CHANGE APPLICATION NUMBER ZC 2006-02.** We received a zoning change application from Mary E. Cranker of 10302 Fremont Pike. The developer of the property is Atwell-Hicks, and they are proposing a Wal-Mart Supercenter at this location. The site is approximately 35.14 acres in size, located near the northwest corner area of Simmons Road and Fremont Pike. Mary E. Cranker is retaining her historic home site and buffer acreage, which is zoned A-1, at the corner of Fremont Pike and Simmons Road. The original PUD was approved in January and February of 2000, and it consisted of a number of proposed large retail stores plus outlots along Fremont Pike. On January 9, 2006, our ZC met and informally reviewed an updated conceptual plan for this property. The developer concluded that the plans would be a major revision to the PUD-MX, which shall require consideration and be processed the same as a zoning change. They have submitted an application to amend the PUD-MX along with a completely new plan. On 2/7/06 the WCPC met in regular session and recommended preliminary approval of the footprint with suggestions/conditions (letter attached).

Mr. Schaller asked if there was anyone present to address the commission on behalf of the developer.

Nicholas Miller addressed the commission regarding this application. He introduced himself to the commission. He noted that Atwell-Hicks is not the developer. Wal-Mart will be developing this themselves. He would appreciate that one correction. He said last week the WCPC recommended approval with some conditions for this project. He briefly described the site and asked to be interrupted if there were any questions. The site is located north of SR 20 and west of Simmons Road. They have designed the site plan to conform with all the township and city ordinances, or those about to be adopted. The site has to maintain a public roadway, and that's what the ring road is that runs through the site. It's a connector from Simmons Road to SR 20. They have hired a Toledo based traffic consultant to do a traffic study and give the recommendations to ODOT, the township, and the city for review and approval of any curb cut or entry point on to SR 20. He thinks all retailers would prefer to have a signal, but a lot of the access points along 20 are restricted to only a right-in and right-out. There is excess property associated with this amended PUD application. These will be future outlots that Wal-Mart does not have any plans to develop itself. They will likely put that on the market for development in the future for commercial purposes. Wal-Mart sits back towards the rear of the property on about 27 acres. The storm water detention for the entire property is to be located to the rear of the property, or the north end of the site. Currently they have met with the county and Rossford Township to discuss storm water outlet, and preliminarily this piece of property is in a drainage district that goes up to Dry Ditch. The storm water will probably outlet that way to the northeast. There is a plan for a future filling station as part of this request for amended PUD, and that's located at the southeast corner of the parking field. The proposed retail store for the Wal-Mart is just over 200,000 square feet. It is a Wal-Mart Supercenter which contains general merchandize and a grocery component. It's very

similar to the Meijer across the street. There is a seasonal garden center and a drive-thru pharmacy located on the westerly property line. The trucks will enter off the proposed drive off the northeast corner of the property, and then there are two truck docks. One services the grocery portion of the retail center, and the other services the general merchandise. There is an oil change facility that also changes tires, and that's located on the appendage on the northeast corner of the store. They have laid out the site to have the setback requirements per the ordinance and also buffer areas. This is a landscaped plan. This project is unique in that it lies within an overlay district within the township, and that overlay district brings in the city. Wherever possible in designing this layout plan they have taken whatever ordinance is more restrictive. As an example, if the township requires eight trees and the city requires ten, then they applied the ten trees. In laying out parking, landscaping, and design parameters, they picked the more conservative ordinance and applied it to this site. He said he would then answer any questions.

Ms. Warnimont asked on the proposed roadway, the entrance into the parking lot, is there going to be a light there. Mr. Miller said no, they are not proposing any signals on this interior new public road. Ms. Warnimont asked how people will be able to get in and out of there. Mr. Miller said that's a good question. Ms. Warnimont said she could see people going from Simmons Road, trying to bypass the light at 20 and Simmons, and go right through there. Mr. Miller said and turn right here, and Ms. Warnimont said yes. He asked if she would like to see a signal there or inside, and Ms. Warnimont said inside. Mr. Miller said at the Wal-Mart entrance. He said there is none proposed right now. That's a good question that no one has brought up yet. They could ask the traffic consultant to review that in addition to the access points. Ms. Warnimont then asked if there was a fence around that seasonal garden center. Mr. Miller said yes, there is a fence around it. Ms. Warnimont asked how high. Mr. Miller said he would refer to the architectural drawings. He does not have the architects with him this evening, but he believes it's close to ten feet tall in parts. Some parts may be taller. The garden center does contain a bulk pick-up drive-thru area, and that fence he thinks is close to 30 feet. Then inside of that fence is bulk materials, sand, stone, pavers. They have a high-low that comes out that can get some stuff off of the taller shelves, lower it down for you, and help you put it into your truck or trunk. Ms. Warnimont asked what about the sidewalks. It says on the one site plan that no sidewalks are being proposed on this plan. Did the city mention anything about that. Mr. Miller said they have not received formal review back from the city. They have not made a site plan submittal to the city. They have only made a submittal for this PUD major amendment. They are proposing sidewalks with this new public road. If there is a need or an ordinance requirement for interior sidewalks to get from that public sidewalk on this site, they can review that as well.

A question was asked if they were proposing any upgrades to Simmons Road where it currently has been already improved further to the north. Mr. Miller said that was one of the recommendations by WCPC, and they would agree to improve Simmons Road if

it's required by the traffic study, or per code, or just if this road is at a quality where it needs upgraded because that will be a major route for the trucks. Based on what Meijer did in the past, it looks like that makes good sense. But they want to do a little more study. They are definitely considering that.

Mr. Schaller said the traffic light that Ms. Warnimont is referring to, that would be their private drive, and the light would be their discretion. Mr. Miller said no, this would be a proposed public road. If it's recommended that that be reviewed for a signal in there, they can do that. He is not a traffic expert, but he would want to see how that effects other movements. He sees the point of this being a cut-through. They will bring that to the attention of the traffic consultant. Right now at this time they had not proposed any light on this new public road.

Mr. Schaller asked Mr. Garn if there were any comments either from WCPC that they should address, or from their consultant. Mr. Garn asked if he should just read their fine points. Mr. Schaller said yes. Mr. Garn said they will make the letter an exhibit. Mr. Garn read the six recommendations of the letter. Mr. Schaller asked Mr. Miller if there were any issues with those other than what he has already addressed. Mr. Miller said no, and he has not talked about the wet retention pond at the rear of the store which is to be fenced. That's a standard that Wal-Mart has on its own no matter where they go. If they have any detention facilities that are wet or hold water all the time for water quality purposes, anything over a foot in depth they secure it with a six foot high fence just for safety reasons, even if it's not required. They agree to all those recommendations. Mr. Schaller asked if there were any comments from the audience.

Glen Wenz addressed the commission regarding this application. He said they own the farm across the street on Simmons Road, and they sold the front end to Meijer about 4 years ago, and they widened Simmons Road up to where it goes across the boulevard there. That was Rossford. When they extend Simmons Road, are they going to have a jog over on to Cranker's property, or are they going to keep going on their side. Are they going to divide up the show, or how are they going to do that. That's what he would like to know.

Mr. Schaller asked Mr. Miller if they had given that any consideration to widening Simmons Road there, and whose property do they take it through the right-of-way. Mr. Miller said that was a good question. He thinks they can widen it and stay within the proposed right-of-way that both Rossford and the township have. He can look into that and provide everyone a better answer. But the current plan is if it is to be widened, to do it within the existing road right-of-way. Mr. Schaller asked Mr. Wenz if that addressed his question. Mr. Wenz said he did not know what he said. He is going to do something. Mr. Miller said if they can't do it within the existing road right-of-way, then they have to approach the gentleman and see about land acquisition, or a re-alignment. Mr. Wenz said when they sold to Meijer's, Cranker's house was there so they could not go that way. Now they are past Ms. Cranker's house, are they going to

jog over and take both sides of the road and go with it, or are they just going to stay on his side. Mr. Schaller said he did not know if they could answer that right now without further engineering review. They can take that into consideration.

Don Smith addressed the commission regarding this application. He told the commission they did discuss at the PC about a sound barrier wall between the Heartland of Perrysburg and the rear for the people. He does have pictures to show the members what Home Depot has on Secor Road if they would like to look at them. There is going to be a lot of sound from these semis and traffic, the all night long business, 24 hour a day business. And these people are number one in the world, and they earn thirty-five million dollars per hour, 24 hours a day, 365 days a year. And they have planned in the future 1,400 new stores, so they are not poor. He showed the pictures to the members. He asked if the members were familiar with the stone wall. It goes the full length of the Home Depot over there. It would be a wonderful thing for these people if you are over in that rest home and you are trying to get rest. How are you going to get rest without some sort of sound barrier.

Mr. Normand asked what was discussed at the WCPC. Mr. Smith said the PC discussed putting on that west side near the Heartland of Perrysburg a sound barrier wall like this all the way along and across the rear. Mr. Normand asked if that was something that was accepted because he does not see it in their recommendations. Mr. Schaller said it really identified screening as opposed to a sound barrier, which is a little bit different.

Mr. Garn said there are a lot of people talking in the background and asked them to please stop because it is interfering with the microphones.

Mr. Smith asked Mr. Garn if they discussed that at BG, and Mr. Garn said yes, they discussed it. Mr. Smith said they did say they would take it into consideration, and they did make a motion that they would like to see this included in this. This is for the safety of those people.

Kathleen Perry addressed the commission regarding this application. She has similar concerns on behalf of their residents at the Heartland of Perrysburg at the retirement center as well as the nursing center in regards to what the barrier is going to consist of. A stone wall, she does not know if that is it, but yes, they need a sound reduction, light reduction, safety for the traffic flow because their residents do walk the pathway. They do still drive their vehicles in that area. If they have the road coming out on to Fremont Pike, that is going to bump right into the exit from Perrysburg Commons/Heartland of Perrysburg with their two exits. So she would like to know a little bit more about what the buffer zone is going to be. For beautification purposes, their residents did like looking out on to the field. The noise level. If they are going to have the downward lights, the parking lot area is going to be what it looks like in front of Heartland of Perrysburg. The building with the truck locations as well as the wet retention pond will be in view of their residents from Perrysburg Commons, so if that

area could be explained a little bit more and taken into consideration for their residents' safety as well as their retirement years.

Mr. Miller responded saying right now the site is a farm field, and it's got about anywhere from 8 to 12 inches of top soil on it. Part of the plan, and they are getting into details of the site plans now to submit those, but part of the plan is to stock pile some of that top soil, and obviously the best location for berming would be to provide some screening on the westerly and northerly property line. In addition to that they can look at the type of wall Mr. Smith described, or other walls. They will approach the senior center and ask for some input as well. He is not sure what the previous PUD application did for this concern, but they are open to take suggestions on that matter.

Bruce Jeffers addressed the commission regarding this application. He is a BG resident. But as a resident of the county he would like the commission to consider the practices of Wal-Mart in terms of employment, the way they treat their workers, their lack of health care, the way they deal with their suppliers around the world. Wal-Mart is either the first or second largest company in the world, either them or Exxon. Right now it might be Exxon. Is Wal-Mart the kind of employer you want to have in your township. These may not be zoning issues, but they are important to the residents of the township. Is bringing Wal-Mart into their community going to benefit the people of the community or is it going to benefit Wal-Mart, their owners. He does not know how you deal with this as a zoning issue. Mr. Schaller interrupted him and said really the charge of this commission is to enforce the zoning resolution for the township, and that's what they are here to do this evening. They really can't take into consideration the issues that he is referring to. Mr. Jeffers asked if they knew who would deal with such an issue. He tried to deal with the county on this, and he did not get a clear answer on that. Who would deal for their community on the issues that he is discussing. Mr. Schaller said he does not know if he has the capacity to comment on that other than to say that's good advice, and go with the dollars you have to spend, not only yourself, but the general population. He appreciated his comments. Mr. Jeffers said as leaders of the community they should take these issues into consideration. The audience applauded.

Sherrie Highland addressed the commission regarding this application. She said it seems to her what Mr. Schaller just told this man was if you don't want a Wal-Mart here, don't shop at the Wal-Mart once it's here. Mr. Schaller said if that's the way she understood it, their responsibility is to try and enforce the zoning resolution for the township. That's what they are trying to do. He is not trying to tell anybody where they should or should not shop. Ms. Highland said but you didn't know where the prior gentleman could go with his concerns. It sounds to her like this decision is made that this Wal-Mart will be built, and that there is no place for the people in Perrysburg who oppose this to go to voice their complaints about it, or just the fact that they don't want it here. There has to be a place available. Mr. Schaller said there may be a place, but it's not really the PC. Ms. Highland asked if he could tell them where they could go to

voice their concerns about this. Mr. Normand said they could go to the Perrysburg City Council. They are elected officials. They have an overlay in this district. The township trustees. They are the ones that have come up with the latest zoning code. They are here to deal with the technical issues of is this particular layout that they have provided, is it within the code. As far as the politics of Wal-Mart or not Wal-Mart, they would love to debate that with them, but that's not within their purview. Ms. Highland said she did not want to debate that with them. She wants to know if this decision to build this Wal-Mart been made by the city/township officials. And if they are still listening to the citizens of the city/township, where does one go to voice that. She said they are saying city council. Has the decision already been made that this is going to be built. Mr. Schaller said that's the process they are going through now, if it meets the requirements of the township zoning. Ms. Highland said the zoning requirements. Okay. So when will there be a city council meeting on this. Mr. Schaller said after this meeting, depending on the vote this evening, this will be forwarded to the township trustees to vote on this. And there are certain requirements to meet the city ordinances. It will also go through the City of Perrysburg process. He is not sure of their meeting schedule. He asked Mr. Garn when the trustees would actually vote on this, and Mr. Garn said he has no idea. Within the next 30 days. Ms. Highland asked if there would be a public notification in the paper of the meeting, and Mr. Garn said in the paper there will be a notification. That's what she wanted to know.

Mark Lajoie addressed the commission regarding this application. He said this zoning that they are changing, in 2000 what was the plan that was approved back then. He asked if they all knew as far as the layout of the buildings. The question he is trying to get to is he does not know how drastically this has changed from then. He thought the members could think about limiting the size. For the record, he wishes it wasn't here. It seems like half of Perrysburg has a really upscale place, and the other half of Perrysburg, it seems like come over here, we will take it. Can they limit the size and scope of what it has. It sounds like in the letter here that it changed enough where Wal-Mart engineers thought this had to be considered a rezoning. Mr. Schaller said that's why they are going through the process now, because it had changed from what was previously approved. They are going back through the process, and they are resubmitting it, and they have to review it within the context of what they have to work with, and whether it addresses size, landscaping, light fixtures, those type of things. Mr. Lajoie said the small detail like site work. They don't want to end up like Airport Highway, the Home Depot where they have that one wall there. Mr. Smith had a great idea of the sound barrier for Heartland. That's great. Those are more for the site for later. This is just approval for the zoning change. This is a 200,000 square foot building. Were the other buildings 50,000 or 100,000 square feet. These are things that they have to think about. He does not know if the people behind him are for or against it. It's not like it's right in his back yard, but it's in his community. It's where he lives. Those are the things that they have to think about. He does not know if they think about that. How much in 5 years have they changed that. If it was approved back then for 150,000 or a 200,000 square foot building, it's kind of hard to change it

today. He knows how it works both ways. But they have to think about that. Does anybody know what the size buildings were back then.

Mr. Garn said there were three big box stores, a Super K-Mart, a Lowe's, and another unidentified big box store. They have seen Lowe's, which is across the street, so they have an idea how big that was. And the Super K-Mart he does not remember. He can bring the drawing over. But there were three large big box stores. Mr. Lajoie said, they are big. No doubt about it. But he thinks at this meeting all they can deal with is approval or not. These other fine points, they can take them into account, but they can't change that because they are not even at that stage yet. That's it.

Wally Williams addressed the commission regarding this application. He has a couple of questions. One is what kind of distance between the back of the Wal-Mart and the property line, and what kind of landscaping will go there. They have a lot of children who play. They are in the process of building a walking track on the back web, 12 and a half acres, on the back side of that property, and they would like to make sure that number one, it's safe for the children. They have a lot of children in the area who come to church there. With all the trucks coming in and out, they were concerned about the interruption of that, particularly on their assembly times. He repeated his concerns. If they are planning on doing any kind of hills or whatever behind the property between them. Mr. Schaller asked if Mr. Miller wanted to address that.

Mr. Miller responded saying he had to cheat and look at the drawing. Approximately 230 feet is the distance from the truck docks appendage which would be the closest part of the rear wall to the property line. If you go to the rest of the main wall, it's probably close to 300 feet. Between 280 and 300 feet. He looks forward to meeting with the church as they have not yet, and talk about what would work for screening for the safety of the children. They discussed using the topsoil to create a berm. He thinks they could do something, 4 to 6 feet. In addition he talked about a potential wall. If they would like that right up against the property line or moved in a bit, they could do that. Maybe soften it with some landscaping. A lot of those details would be helpful for them when they get into site plan details to sit down and meet with the church and talk about what works for them as well. He added that what was approved before, typically a Super K-Mart is around 140,000 square feet. Lowe's is around 140,000 as well, so that's about 280,00. And he believes the other ending building Kohl's was looking at, that was around 80,000 square feet. He needs to double-check that previous application. Mr. Garn said it could have been Kohl's and not Lowe's. So Mr. Miller thinks the other application was probably between 250 and 300,000 square feet, but he does not know the exact numbers.

Tom Shaw addressed the commission regarding this application. He said their storm sewers are backing up as it is. He wondered if they were aware that about a month ago their street was flooded by Scarlet Oak back there. Mr. Schaller said he was not. Mr. Shaw said they should have been, because everything backs up over at the nursing

home back there. They had to set up a pump when it rains. Mr. Schaller said he was not aware of those details. He is not involved with those types of issues. Mr. Shaw said he thought this was something they should consider. Mr. Schaller said they have a responsibility to ultimately design this facility. They have requirements that they have limitations on what they can flow into the storm sewer, and they have to design within those guidelines. That's how they try to control that. Mr. Shaw said they can't control it right now. How are they going to control it if they bring in a Wal-Mart. He asked if they did a study on the economic impact, what it's going to do to the other retailers around. Mr. Schaller said that's not their responsibility, and they don't have the capacity to do that. That's not the charge of this commission. If there are storm issues that currently existing out there, those should be addressed. Mr. Shaw said if he knows about it, he would think they should know about. Mr. Schaller said that could be taken up with the township, the maintenance department as far as what are the issues there to solve the problem. Mr. Shaw said his street was completely flooded about a month ago, and he complained about it. It was never that bad when they first moved in. And for one thing, he does not think they could even support a Lowe's, and a Home Depot, and a Meijer, and a Kroger right now. He knows they are not going to address it, but he wanted to let them know that they should have done their homework on at least the flooding problems that they have had. Mr. Schaller said to him that that is something that should be taken and addressed with the trustees. They have regularly scheduled meetings.

Mr. Shaw asked if they were a planning commission, and Mr. Schaller said this is the PC. Mr. Normand said actually they are the zoning commission. Mr. Shaw said these things should be taken into consideration. Mr. Normand said to him that technically speaking this center, whatever goes there, will contribute into the storm sewer exactly what it contributes right now and at the same rate. They have to design their lot so that if it were bare ground and it was submitting 100 gallons per minute into the storm sewer, when they are done it can only submit 100 gallons into the storm sewer. Mr. Shaw said right now it discharges into Route 20 by the nursing home. He can see it backing up that much more. He does not see where it's going to be any better. Mr. Normand asked him if he saw the big proposed detention pond in the back. That probably will help the drainage because it's going to be metered into the pond, and the pond meters it out at a rate that is set by the WC engineers. Mr. Shaw said he does not have a lot of confidence in them now because right now they are having a problem. If this is supposed to be a planning commission, he thinks these things should be addressed. Mr. Normand said this is a zoning commission. They only can deal with the rules that have been set thus far. They don't have any leeway in terms of arguing politics. Mr. Shaw said what should be built, but not should we build it or can we build it. Let's just build it. Mr. Normand said that's not absolutely correct at all. What they are saying and what this body is charged with is does it fit within the rules that currently exist. That's all they can say. Mr. Shaw said he thinks they have too much out here as it is. He thinks they all know that. He is sure the Wal-Mart people are very convincing. Like the person from BG said, it's going to be non-union people building

this thing, too. That's just their practice. They don't treat their employees right. He thinks they all know about that. That's the last question he has, are they aware of the practices. Mr. Schaller said he is aware of Wal-Mart practices. That was all he needed to know. The audience applauded.

Larry Baker addressed the commission regarding this application. As he understands it, the members are appointed. How did they get their jobs. That is his question. Mr. Schaller said they are appointed. Mr. Baker asked who appointed them. The response was the trustees. Mr. Baker said the township trustees. And they have three trustees in this township, and the response was yes. Mr. Baker said if they want to apply pressure to anybody, it's those three trustees, not them, because they are only here to follow whatever rules somebody gave them. Mr. Normand said that's correct. Mr. Baker said it's the same kind of mentality in 1938 that some of the Germans used. This is what they were told to do, so they were just following through on the rules. He asked if he had that right. They are just following through on the rules. Mr. Schaller said he did not care for the reference. Mr. Baker said they are not taking anything into consideration. They are looking at all the folks behind him, and he assumes they did not show up because they love Wal-Mart. There were a couple of mixed responses to that from audience members. Mr. Schaller said they are trying to enforce the zoning resolution in the township. Mr. Baker said that's what he was trying to find out. So if they wanted to do something about this, they should all be talking to the trustees. Mr. Schaller said right, change the zoning resolution. Mr. Baker said they could change the trustees, they could change this group of people, and they could also change the rules. Mr. Schaller said there are many options they can go through to do that. Mr. Baker thanked him and said he appreciated that. Mr. Schaller asked if there were any comments specifically about the site plan.

Tom Galloway addressed the commission regarding this application. He told the members he knows quite a few of them, and he sees a lot of neighbors here. He does not know how much of what he is going to say is zoning and how much isn't. He said he would read it, they can edit it, and he will give them a printed copy. His comments are not retyped in these minutes as he gave a copy of them to the members. The audience members applauded.

Mark Lajoie addressed the commission again. He said to the members that gentleman right there, that is why he wants them to think about those different sized boxes. Those different boxes could bring something, a variety and value to this community. This 200,000 square feet. Remember the other ones they talked about. Still not totally developed. Still two parcels left to develop. Those other three that were here before, those were three different ones to bring to the community. This is a huge company, and maybe what that guy said, even if you do nothing and maybe just delayed it. If they made a long distance phone call to the towns either to verify or dispute what he said. Have they called BG. Maybe do some homework. They don't vote these guys. He wants to make sure they do the right thing. The audience members applauded.

Don Smith addressed the commission again. He has one question. He said these folks said the water was going to the north and east, it wasn't going into the creek coming down. Mr. Garn asked him to go to the microphone. Mr. Smith said if he understands this engineer from Wal-Mart, he said that that water was supposed to go north and east. Was it going out the back to the north and east. He wanted them to show on there where he was talking about, and he did. Mr. Miller said they have met with the county to go over the drains, and they met jointly with Rossford. Dry Creek, as the gentleman pointed out, drains to the north and east. The general rule is that when you have this much property, you drain the water to where it originally drains to. So their goal is to meet the requirements and to not increase it, or sometimes it's a detriment to decrease water, but their goal is to meter this water so that it flows into the existing drainage areas either at a lesser rate, existing or below the current rates. He walked up and pointed to the area that they have proposed to drain the water. They do work all around Northwest Ohio and Southeast Michigan. If they have made a mistake in their calculations, and their pond is too small this time, and they have to triple it or quadruple it and they make a mistake, they will have to come back in front of this board and amend the site plan. But the goal is to follow the rules that are established by the county and the engineers that have created the criteria, and meet or exceed those. Right now it's probably going to the west. Some of the water in this goes into a different drainage district. It's approximate, but the majority of the water is part of this dry creek district, a ditch that starts here and heads up to the northeast. The one gentleman mentioned the water coming from SR 20 was causing problems. When they submit plans to ODOT, and the city and township, and there is a way to pick up some of that water, and assist in the problem area, and take it elsewhere, or expand their pond to benefit the greater good, by all means if that's appropriate, they will consider that in their design.

Mr. Smith said he knows where he is talking about. He is talking about in front of Kroger where they set up a pump every now and then to pump the water into the ditch because they do have a problem there all the time, but he does not know if these people are aware of it, but all the water that's coming out of Oakmont all the way to Mr. Harbauer's farm, that all flows, which is to the north, and then it goes all the way to Rossford before it empties into the river. So that ditch is going to possibly be coming under maintenance. But the county engineer right now is looking at that because of this next issue coming up, they will be taking that up.

Glen Wenz addressed the commission again. He said on this drainage issue, what is Wal-Mart going to be charged to drain into this ditch. They sold to Meijer, and that building has been up 2 years. They didn't charge \$10.00 an acre to drain into Dry Creek, and so far theirs is zero. He went to the engineer's just the other day, and he paid the taxes, and they are 8 years behind getting things brought together. So they will get by for 8 years maybe. It's not fair.

Chuck Giaimo addressed the commission regarding this application. He was wondering with this store in BG, one opened on Navarre Avenue, one over in Spring Meadows, why do they need one in Perrysburg. And if they are going to allow these people to build, when they make a decision, how soon can they go ahead. If they say no, is it left there, or where do they go from there then. If they make a decision this evening to say they can build, is that the end of it. Mr. Schaller said no, it goes to the trustees for final approval. Mr. Giaimo said what do they do when they bless it. Mr. Schaller said then they go through the process of meeting the criteria of the ZC, they have to get the project engineered, and then go through the building permit process to make sure this design is done properly, and follow through in that manner. Mr. Giaimo said if they disapprove the zoning change, it ends there. Mr. Schaller said no, if they disapprove it it still goes to the trustees regardless of whether they approve it or disapprove it, and depending on the vote, depending on what the trustees need to pass it. Mr. Giaimo said the trustees are responsible after it leaves their hands, and Mr. Schaller said yes, they are. Mr. Giaimo said and they will come back before this body after the township trustees look at it, or do they just have the final say then. Mr. Schaller said the trustees essentially have the final say. Mr. Schaller said they don't need any more comments on whether they need this store here or not from an economic standpoint.

Dave Goggle addressed the commission regarding this application. He is very concerned about the plan for the traffic flow on Route 20. He lives on Maple Street near Fifth Street, and when he takes a trip out to Target, there are seven traffic lights that he has to go through from his street to get probably a mile down the road to do some shopping. And if he hits just four or five of those traffic lights, or maybe three, it takes him as much as 15 minutes to get down the road to do his shopping. He buys all his groceries at Kroger because it's the closest grocery store to go to. He does not want to go to Meijer, or Giant Eagle, or Wal-Mart, or whoever is down the road. He is wondering, Route 20 is only two lanes part of the way along that stretch where there is going to be more retail development, and he wondered if adequate thought has been put in to what is going to happen to Route 20 if they build more and more big box retail stores along that road. It's terrible now. How is it going to be in the future. He wondered if there have been adequate studies made to determine what is going to happen 5 or 10 years from now. Is it going to be gridlock like Spring Meadows where a lot of people don't even want to go over there because of the terrible traffic flow over in that area. Mr. Schaller said believe it or not, there are a number of different agencies involved including ODOT in making some of the decisions, and how the access is limited in and out of the properties. That process will continue. That was one of the comments as far as the traffic study, and the turn in and turn out of the facility. So yes, it's being taken into consideration, and hopefully properly planned. Mr. Goggle said it seems like there should be an access road off of Route 20 for part of the development, including the Wal-Mart portion, to relieve 20 of all the congestion that it has already. He thinks that needs to be re-addressed.

Bob Lynn addressed the commission regarding this application. He has an aunt and an uncle that are over at Heartland, and also they have their union hall in Northwood. One of the things that he thinks got missed at WC, and he is actually the individual that brought up about the sound barrier. And they did input some specifications to make sure that the sound was addressed, and the lighting actually was addressed. What he would hope is that if they decide to vote for this and move forward with it, as they go along, that they put those specifications and make sure they are as detailed as possible. When they had a hearing like this in Oregon, Ohio, there were a lot of promises made about how they were going to do this and that, and how they were going to put all kinds of trees up. The first thing they did is they cut down the big line of trees that was there that was actually a natural barrier, and then they planted all these small pines that 25 or 40 years from now will be tall. But they cut a whole region in there. So what he would suggest, that whatever they do here, that they put it in writing and hold them to be accountable. It's real easy to make promises and say you are able to do these things. Unless you actually put it down in writing and then hold their feet to the fire, they will continue to go and do the least amount. What they should do, if anything, is to demand the maximum, and even plus. The audience applauded.

Mr. Schaller asked if there were any other comments outside of what has already been discussed, and there were none. With that he asked if there was a motion on the application.

Mr. Normand asked if he could ask a question, and Mr. Schaller said yes. Mr. Normand asked Mr. Garn if their application was complete in terms of what they needed to submit to them. He sees six items including a traffic study. He wanted to know if those needed to be complete before they can make their decision. Mr. Garn said the traffic study would have to do with the access road. They could continue this hearing and wait until all the decisions are completely taken care of to see if the road should have a light or not. Mr. Normand said in addressing the gentleman who just spoke, it's been his experience, since he is usually on the other side, and he said it's quite interesting being on this side and being called a Nazi, so he has a little more empathy for the next zoning board that he comes up in front of. But it's been his experience that their application needs to have everything on the drawings, and all of the studies done, and all of the requirements that are agreed to in writing. Very specifically if, in fact, there is a sound wall that can be required, and they require it, he would like to see that on the drawings detailed as a sound wall. And his question to Mr. Miller, do they have the ability to agree to that sort of a thing for Wal-Mart at this point in time, or would they have to go back to Wal-mart and say they want a sound wall, will they build it. Mr. Miller said they have the ability to agree to provide a bumper as mentioned in the Wood County approval, proper screening to be provided along the northern and western property line. Mr. Normand said he wished he could get by with just proper screening. He would like specifics. Mr. Miller said yes, they have the ability to agree to meet with these folks and get an idea of what the church is looking for versus what the senior care center is looking for. Maybe they are not the same thing. Maybe they are.

Mr. Schaller said they can also make it contingent on acceptable screening or sound walls. They control the definition of what that is. If they continue that, the folks would just have to come back and go through some of the same discussions that they are currently having tonight. That is maybe the other option. Mr. Normand said he, for one, would like to see a very specific and detailed plan versus a sure, we'll do that sort of a thing. And he thinks in deference to the people here, they truly cannot speak to the politics of Wal-Mart, but over the years there has been and, in fact, just completed a zoning ordinance that there was public comment, and all of the audience members had the chance to be a part of that process so that there is a zoning code that are the rules that this body has to abide by. They cannot say yes or no, they can't come in here, because they appear to fall within the requirements of the zoning. As much as their personal politics may say, Wal-Mart, we don't like them, or something like that, they can't do that. They are trying to abide by the rules that have been set up over the years, and most recently in the newest zoning code in order to do this. Now, what they can do is they can ask for specific details, and that's the way he is leaning at this point. Mr. Schaller said okay, does he hear a motion for continuance.

Ms. Warnimont said she had a question. WC only did this as a preliminary, and the response was yes. She said what exactly does that mean for them. Are they supposed to approve the preliminary footprint and then send it back down to WC for a final approval. Mr. Schaller asked Mr. Garn that question. Mr. Garn said he thinks what they are looking for is after the site plan review process when the drawings have been completed and everything is in place, that they then treat the final drawing that they receive as like a final plat like for a subdivision or something like that. So they record it that way, the PUD. That's his indication of what they do in their end of the process.

Mr. Normand said he has the same concerns as Ms. Warnimont, that they did a preliminary review. Why are they being asked to do a final when they did a preliminary. Mr. Garn said he understands that. That's how they file their map at the other end. Ms. Warnimont said she could see them voting on a preliminary, and let them bring back everything to them final with whatever screening, and wall, and other things necessary that everybody has talked about, bring it back to them for a final vote to send to WC, and then get it back to them after that.

It was asked if they were going to look into the storm sewer problem. Are they going to walk door to door down Scarlet Oak and ask everybody whose basements were flooded. There isn't any sump pump that can keep up. Just ask a few people, maybe five or six people, and then are they going to address that problem if they think there is a problem. Mr. Schaller told Mr. Shaw that he would appreciate it if he would bring that to the attention of the trustees and/or the maintenance supervisor. Those are the individuals that can address that problem for him. Mr. Shaw said so that doesn't have anything to do with zoning or anything like that. If you are having a problem with the storm sewers, you have nothing to do with that. It's all the trustees. They are not accountable for anything like that. They don't take that into consideration. Ms.

Warnimont said and WC. WC has a lot to do with that. Mr. Shaw said traffic control they are more concerned about, but not the sewer run-off. Mr. Schaller said there are rules that address that through their zoning resolution, because they are not allowed to contribute any more to the storm sewers than what that property currently does. So that's how future development takes that into account. But it sounds like he is having an existing problem now that is outside the bounds of this commission. Mr. Shaw said for one, the sewers aren't cleaned out properly on a regular basis. That's compared to other areas. But that's another problem that's contributing to it. Just so they know. He thought he would make them aware of it. Mr. Schaller asked Mr. Garn if he would pass that along, and Mr. Garn said they have already been discussing that quite a bit as far as working on the ditch. He is on a completely different ditch pattern.

It was asked if this is the proper sized sewer they are constantly adding to. If they have a six foot or eight foot sewer, and they are adding more and more, and then they need bigger, bigger, bigger to carry the flow right. So are these antiquated sewers that they are talking about for drainage. Mr. Normand said the drainage pattern, and this is for any development in WC. The response was he understands the whole system. Mr. Normand continued saying that drains out, there is a pipe that is sized, and typically it's 6 inches or something of that nature, and it only contributes the same amount of rain. And the same amount of rain falls on Wal-Mart as it does on the property currently. They have to gather all that water and meter it out at a controlled rate, so it's no more than what it does as farmland. The comment was made, so let's say they blacktop 36 acres and build on it and then it rains. What's the study on an inch of rain per the 36 acres. How many gallons. Mr. Normand said that whole calculation is done. The fact of the matter is it's not so much the amount of water, it's how quickly it gets in the storm sewers. That's the reason for the retention pond. It retains the water and meters it out at a specific rate. The response was he understands that.

Mr. Schaller said, so to address this he thinks what he hears is that the commission would like to see finalized drawings completed with the pertinent details, the traffic studies done, the requirements that have been so noted, and primarily he believes it's the details of the sound wall, the landscaping along the adjacent properties, addressing the situation at Simmons Road and how that road would be improved down at least to the north Wal-Mart property line, or whatever is reasonable there. Are there any other specific issues. Ms. Warnimont said possibly on that proposed roadway, and definitely whatever the six bullet points that WC mentioned, include all that. Mr. Schaller said those items, like the cut-off lights, are part of the resolution as it is, but they have to be consistent with that.

Mr. Normand asked Mr. Garn if they, as a township, require a photometric. Mr. Garn said yes, and said they are already into site plan review. The commission has not given them permission yet to build their store, and they are already into the site plan review process that they are asking for. Mr. Schaller said the end result is they have to come back with a site plan review. The difference between a preliminary and a final. Mr.

Garn said this is back into the thing where they tried to have preliminary PUD's where they would come through before they did the final PUD, and they had to go to this final process if they wanted to. That's where they are. Mr. Normand said well, they can or cannot do what they are asking. Mr. Garn said yes, they can do what they are asking. Mr. Normand said he thinks this is an issue that is very contentious, and he thinks Wal-Mart, if they are serious about coming to the community, would like to dot the I's and cross the T's. He thinks that they certainly ought to come back to them with very, very specific plans, and he would like to hold off or continue this until such time as they can see specifically what they are doing.

Mr. Schaller said if they want to put that in a motion, they would like a continuance, and they would like to see really final site plans in order to approve the zoning is really what they are talking about. Mr. Garn said maybe not completely final site plans, but closer to that. And there are certain issues like the fencing that they are talking about, or the sound barrier where they need to meet with some of their neighbors to get an idea of what they would like to see. Is it going to be a one-foot high wall, or ten foot, or what they did behind Lowe's and Kohl's where they put mounding with fencing on top of it. There are different issues. So they are going to have to get some consensus from some of those neighbors on some of those issues.

A question was asked what their normal process would be. Mr. Schaller said they would approve the zoning change as a major change as they have requested. Once they approve that, they come back with a final site plan that would ultimately be approved through the PUD. Mr. Garn said this would go to the trustees after this because they are doing a major change to the PUD, so they are not changing the zoning. That is there. They are amending the footprint. So what he is hearing is the members want to see a more precise footprint on certain areas. Mr. Schaller said getting that more precise information does not address anybody's concern about whether they need Wal-Mart and that sort of thing. It's just really only meeting the requirements of their resolution. It does not change all those other issues that people have concerns about.

Mr. Schaller asked if he could have a motion. Mr. Normand moved that they would continue this to next month's meeting with the idea that there are a number of issues, including the six that WC has asked for, which would be the upgrade of Simmons Road, more detail on the detention pond, and the fence, and the church neighbor, Heartland, and also there is proper screening to be provided along the western and northern property lines. He would like to have more specificity to what proper screening is, and what Wal-Mart would be willing to offer in that particular case. Is the traffic study scheduled to be done within the month. Mr. Miller said yes, it will be completed by their consultant, but it likely will not have ODOT finalization. It should draw pretty clear and specific conclusions. Mr. Normand said he thinks 30 days would be good to get them to a point where they have at least an engineering idea of what's going on with traffic. And then the issue of the right-in/right-out entrance along Route 20. Those

were the items. And were there one or two other items. Mr. Schaller said the improvement of Simmons Road. Mr. Normand mentioned that. Mr. Schaller said they somehow have that captured. Mr. Normand said those were all within the six items on the preliminary approval by WC.

Mr. Schaller asked Mr. Miller if he had a comment on that. Mr. Miller added that the traffic consultant that they hired at worked with ODOT on several improvements on SR 20, so they tried to pick somebody that was familiar with this area. So they are anticipating that the traffic study will be readily accepted by ODOT. Ms. Warnimont asked if the traffic expert could also check on that roadway traffic light there also. Mr. Miller said he would have the traffic study be a part of the next presentation as well, and he appreciated their efforts. It's one of those things that will save them time on the end for site plan approval. But where they request these details is always a good question to ask. He appreciated their comments.

Ms. Warnimont was the second on the motion. A roll call vote was taken. Yes votes by Mr. Normand, Ms. Warnimont, Mr. Rometo, Mr. Benavides, and Mr. Schaller. Motion carried 5-0-0. Mr. Schaller said if anybody was present for the Wal-Mart presentation, that pretty much concluded that portion of the meeting.

A question was asked if they brought along the actual date of the trustee meeting so that these people who want to address issues that the commission cannot address, that they can address those at the trustee meeting. Mr. Garn said they would not know that date. They don't know when that next meeting date will take place. A question was asked when that would be determined. Mr. Garn said that will be a thirty day period in which they will have to determine that. A question was asked if that was a public notice then. Mr. Garn said there will be a public notice, and they can check with the clerk's office or his office to find out when they vote on the date. Mr. Normand said they can go to the trustees' meeting.

**ZONING CHANGE APPLICATION NUMBER ZC 2005-05.** Continuation of the 1/9/06 public hearing. A completed zoning change application from David A. Polzin, Trustee, and Gary J. Haas and Nancy J. Haas was brought in to our office. The property is to be developed by Grassy Creek Developers, LLC. They would like to develop an adult independent living community at this site. The entrance to this property would be just south of 28670 Simmons Road. There is also land included at the end of Wyandot Place. The combined parcels are approximately 31 acres in Sections 33 and 34 of Perrysburg Township, and are located on the east side of Simmons Road just north of SR 795, northwest of I-75, and north of Wyandot Place. The property is presently zoned R-2 (Suburban Residential District, low density) and A-1 (Agricultural District). They are requesting that the zoning be changed to PUD-RS. The PUD footprint would contain approximately 165 individual living units that would be distributed throughout the property in the form of two, three, four, and multi-family buildings. The WCPC reviewed the proposal on 1/3/06 and recommended unanimously

to deny this request as presented. The properly detailed drawing had not been distributed to them. It was resubmitted to the WCPC for their comments. The WCPC met on 2/7/06 and recommended that this property be rezoned to the PUD-RS classification. They further recommended preliminary approval of the footprint with suggestions/conditions (letter attached).

Mr. Schaller asked Mr. Garn if he wanted to review that letter, the conditions they have. Mr. Garn read their conditions.

Leonard Michaels addressed the commission regarding this application. Mr. Schaller asked him to explain where they were last month. Mr. Michaels said he met with WC last week. The plans they see in front of them are addressing the comments of the WC commissioner with one exception at this point. They suggested to go down to four units per acre which is a requirement of the zoning for single-family PUD's. They have a multi family PUD here, and they have an apartment complex in a way over here, and they have quads and triplex and duplex units. At this point the developer already made an option to buy the piece of property on the north side. That will reduce their density from 5.2 units per acre to 4.7 units per acre. They are trying to put forth the best effort to reduce the density by doing so. They did provide 60 foot future right-of-way, and they shifted their buildings outside so it does not conflict with that. And also they complied with the majority of the Feller Finch comments that were given to them last week, the ZC consultant. The comment they did not address is they did not include approximate date for completion of the phasing of the project. They will be able to produce those dates as soon as they have an approval. Then they can plan their future.

Second, the recommendation of landscaping or mounding to be included along the north side of the private drive east of Simmons Road to screen the single-family home to the north. They showed on the detailed plans where they propose landscaping, and they will reflect on that. On the north side of their development they are purchasing this area which is a low land. They are trying to keep it in its natural state. If anything they will put walkways there so the neighborhood can enjoy the scenery. They are not planning to do anything here but leave it in its original state.

Third, traffic study and access study shall be prepared as a part of the zoning amendment to determine if the location of the proposed drive to Simmons Road conforms to the ODOT requirements, and determine if any improvements are needed for Simmons Road. They did request the traffic study for a different purpose. It was done to demonstrate that if they are to develop this as a residential development versus multi family PUD as they have here, they wanted to show the difference between the traffic patterns of the whole site being developed as residential versus the whole site developed as a PUD. That study was conducted. When he got this memo last week, on Thursday, and they will contact their traffic engineer, and they will ask him to modify this study to reflect on the requirement for ODOT, and they will be more

than happy to present them with that. They will comply with the requirements of that study as far as Simmons Road is concerned.

The WCPC made a recommendation of this emergency access to the site to be the full 29 or 26 feet, the full width of the roadway. What they were trying to do is basically keep it as an emergency access. It is accessible only to emergency vehicles. However, although it is not their preferred option, they put it on the drawing, and they are asking the ZC's opinion as far as do they want it as a full access or keep it as emergency access only for the purpose of traffic. Either way they are going to put it in. The difference is they are going to have a gate acrossed it if it's accessible to emergency vehicles or a full road.

Mr. Schaller asked if the members or Mr. Garn had any comments. Mr. Garn said at some point because he had a phone call from somebody who could not make it to the meeting who wanted their statement on the record.

Don Smith addressed the commission regarding this application. He said the only thing that isn't being addressed is this creek over here. They also addressed the radius on the streets through here. The 25 foot radius had to be increased was the recommendation of the PC. This creek, if they are aware of this, this is an 80 foot easement on this ditch, 40 foot from the center on each bank. He did not make the rules, the book says it. Also under PUD, this is going in on a PUD-RS for this development, under the book it calls for no rural density and four units per acre. No more. He didn't write this book. If you go out further it says two units, but it does not meet the criteria of what's supposed to be considered if you look at Article VI, Section 3, or Section d 3 on the book. If you read that whole page and you go on over to Section d on the next page, it's still under Article VI, and you can read that, and that's what the criteria is to be able to put two extra units on. They can make up their mind what they want to do with that. But he still wants to address that creek. He does not see it on this drawing. And people don't know how important this drainage is. Because you take this ridge throughout, it goes all the way to Rossford before this empties into the river. Mr. Huber is in charge, and he is going to address this drainage problem. The whole ditch needs to be cleaned from Perrysburg all the way to Rossford. If you want to see some pictures, it is horrible. You can't hardly even move through that ditch with all the brush and everything.

Mr. Michaels addressed Mr. Smith's concerns. He is glad that it was brought up. What they did is they actually put a picture here of a fire truck. He asked if they had fire trucks with extension ladders on them, and the response was yes. He said this is a full blown fire truck picture, and what they did, they actually showed how it can actually make that turn right here. He would like to submit that to WC for their review also. On numerous occasions they met with the fire chief of the township and they discussed the overall plan. As a matter of fact, the product of that meeting was a perimeter drive around their building. They actually lost several units in order to accommodate that.

Feller Finch made a comment that they didn't have full coverage to the fire hydrants. They expanded on that. As they can see in front of them, it was not mentioned in that letter. As far as Grassy Creek is concerned, he lives on a grassy creek in a different area and state, but he does know what it looks like. It does have a flood plain. They are staying well outside of that flood plain, as they can see in the packet that they passed around, and also they are staying well outside of the bounds of the Grassy Creek easement. For example, on page SP1 there is a note that not only states the flood elevation of a hundred years, they are like 4 to 5 feet higher above that elevation mark. Also they stayed outside of that natural flow. That's all he has.

Dave Nershi addressed the commission regarding this application. He had a question on the access road. They are talking now about how it's going to be closed off for emergency vehicles only. And he was wondering about that because if everything is feeding right off into Simmons Road, there is a concern that he has. He also wanted to clarify these are all rental units. Mr. Michaels said incorrect. The only thing that would be rental is the apartment building. Mr. Nershi said so it's condos and apartments. Mr. Michaels said individual adult independent living. They will purchase the units, and they will own those. Mr. Nershi said he is the former council president of the Lutheran Church of the Master which is right on the edge of this, so he has a great interest on how the traffic is going to impact the church and also the people who live around it.

Mr. Michaels said it was a recommendation of WCPC to make this a full blown road. They don't have an objection to that. They are just saying that originally when they discussed it in front of this board they were talking about emergency access only. However, whichever way they decide, that's the way they are going to follow up. The traffic study that they mentioned will be modified to make sure it meets ODOT requirements. At that point they will discuss the traffic off Simmons Road, how their development will impact the overall Simmons Road. That was a request by Feller Finch that is the consultant for the township.

Jim Bennett addressed the commission regarding this application. He attended the WC meeting, and that second entrance wasn't a suggestion, that was a condition that they made, and they were pretty emphatic about that. The reason that he is concerned about it is 165 units, two cars per unit, that's 330 cars that if you only have one entrance and one exit will be coming right out on to Simmons Road, and that's within 50 yards of the entrance to the church. There is a daycare there where you have cars coming in and out all day long as well as the church members and others that have functions there. He has an objection to changing the zoning to multi family. It's a residential area. They don't have any other multi family units in that direct area. He thinks it's a mistake. The people that purchased residences in that area purchased because it was a residential area, single-family units. To make that change now he thinks is really a disservice to the people that live in that area.

Mr. Schaller asked Mr. Michaels if the density he has is 4.7 units, and Mr. Michaels said correct. Mr. Schaller said is that after they purchased the property to the north. Mr. Michaels said after they purchased this property. Mr. Schaller said, and currently without that, Mr. Michaels said it's 5.2, he believes. Mr. Michaels corrected it and said 5.33. They are reducing it to 4.7. Mr. Schaller said as was suggested, the density seems to be a bit of a concern. To meet the comment and the resolution of the four units per acre, is that feasible on the site, or have they given that consideration. Mr. Michaels said it's probable, but he cannot tell them that right now. (End of tape 1.)

Mr. Garn said okay. Now it's working.

Mark Lajoie addressed the commission regarding this application. He has a couple of things. This building and developing is his gig also. He tries to help out where he can, or he can just leave with the information. As far as the fire department, make the chief give a letter that he has signed off on the roads. That makes it real simple. Instead of if they say it's been done and you are not sure. That's what he has to do also. For the people that live over there, if this was over in his area he would be going ballistic if this was being proposed where he lives. Two things you have to remember, the surrounding area. Does this multi family even fit in there. It's hard enough just trying to combat the PUD's and the density of the condos or the independent living, adult living, but he can't imagine how this multi family could even go in there. He does not live right there. He is here just kind of helping these people out just to speak that it does not make any sense. He implores them to understand one thing here. Even if they did allow the zoning, they still are not obligated to take it to the max. The PUD is to give flexibility for the commission and the developer to get something to go through. If they don't want to turn it down, for the benefit of these people and for him living in the township, he thinks it should be turned down just on the merits of what it is. It does not conform with what the rules are. Even if they came in at four, he does not know if the four encompasses the flood plain. That should be taken right out. You can't use it for nothing, so it should be taken out of the mix anyway. Forget that. That's another complicated issue. Even if they came in at 4.0, they still have the right to say it's not bad, they allowed that, but we need to back it down. Just take a look. He does not know when they get the letters if they drive out there and see the area. He is sure they do. Those are his comments for the benefit of these people.

Dan Rutkowski addressed the commission regarding this application. He is concerned about it being just an emergency exit, that between he and his neighbor. Wyandot Place is not big enough to get a bus and a car down, let alone a lot of traffic. He has to get off the road in his work truck to let a bus through every morning. To have traffic coming through there, you will have to widen it and take people's property. If you left it an emergency exit with a gate, let the fire department get in, that would be more acceptable to the neighbors in that area than bringing it as a cut-through.

Mike Blair addressed the commission regarding this application. He said are they willing to repave Wyandot, and put sewers in, and make it wider, because you cannot get two cars down there at any time opposing each other.

Rich Ridgeway addressed the commission regarding this application. They have enough people in the neighborhood as it is. In fact, he was coming to the meeting for the hearing on Ernie Connor's, and that was seven buildings with four units each on it, so you have 28 there, and a minimum of one car for each building. He was dreading that traffic. Now this is going to be south of him, but they don't need that many people in the neighborhood. And if they are going to do this, they need to do something to 795 and Simmons road. Somebody is going to get hurt down there. He came here, he counted 12 cars backing out of their driveways this evening to get here. He looked at the clock in the truck, and he spent 5 minutes trying to get on 795. Now there are going to be lights close together, but if nothing else they are going to need to put up signs. As an example, he has a CB in the truck, and these trucks get off, and they are looking for something in Perrysburg, and they see the sign that says Millbury to the west, Perrysburg to the east. And he will talk to them, and they are looking for directions. They are looking for D and 3 or something in Perrysburg, and he says there is no D and 3 in Perrysburg, you are looking for Ampoint Industrial Park. But by the time they figure that out, they already over the overpass, and they are making a U-turn there at the four lanes at 795 and Simmons Road. It's getting bad. As far as Wyandot Place, he grew up in there, and that's real tight back in there. They will have to widen the road, take part of somebody's property, and put a gate and stuff in. So they are going to have to put a lot of consideration into the growing of the neighborhood. Granted, a lot of these people are going to be retired, and there are not going to be a lot of them going out at the same time. But you can't hardly get across the street. If he comes home at rush hour, 5, 5:30, park his truck at the end of the driveway, he counts a minimum of 25, 30 cars going by before he gets across the street to get to his mailbox. So hopefully they will take that into consideration.

Don Smith addressed the commission again on this application. There is one issue that was not addressed here that is very important. They also said at the PC that they want to see another sort of a parking area on each one of these places. These people have company. Most of these places are going to have a family car. How are you going to park company coming in. You can't park it in the street because you have emergency vehicles that have to get in here. So the recommendation through the PC was they put another parking place on each one of these for parking autos for guests. He thinks that is a very good idea. They didn't furnish a parking area for guests or anything. So he would like to see the ZC take this into consideration also.

Mr. Michaels addressed the commission in response. He said please look at the first page of their submittal package that was submitted on Friday. It states specifically parking for a 70 unit building, parking required, parking provided, parking for A unit, parking for B and C units, and parking for D and E units. This particular layout is not

any different than a regular subdivision. They have spaces in front of each building, and they shifted them slightly with the exception of this one where they have enough to park two cars in front of a garage. They have quite a few units that have only single car garages for retired people or elderly people perhaps that don't have two cars per family, and that's the difference. Also in this particular area they provided more parking for this area than is required for a nursing home. They don't have adult independent living criteria, per se. This is an emerging industry.

Jim Bennett addressed the commission again. One other issue that was brought up at the WC meeting, there was a representative there from Perrysburg that said that utilities had not been approved from Perrysburg. That's water and sewer. So his question is how can you grant a change in zoning for something that they don't know that utilities have been approved for. You change the zoning, Perrysburg denies utilities, that property has been rezoned from what it was and can't be developed.

Mr. Michaels responded saying they are asking this board to give them preliminary approval for a PUD, and they can make that a contingency. The reason they didn't go to the city, although they had initial meetings with them, is because they wanted to take the process a step at a time. They went to WC based on their request. Now they are seeking their approval. This is preliminary approval, it's not final. If they don't get water and sewer from the city, there is no way they can develop it. That PUD rezoning means nothing at that point. Please take that into consideration. If they desire to do so, they will be more than happy to make this particular requirement part of the final approval by the trustees.

Mr. Garn addressed the commission. He said it was also a Mrs. Bennett, Sally or Sharon, and she was very concerned about the traffic at Simmons and 795, the accidents there, and the inability to see at that intersection. She was also in favor of having the traffic have the ability to go out through Wyandot Place to the traffic light. She thought that was a reasonable thing to do. Those were her comments. Mr. Schaller thought that was inconsistent. Mr. Garn said safety issue versus going on Wyandot Place and the traffic light. She said there would be a lot of people that would want to go to a traffic light.

Mike Blair addressed the commission again. He said the only reason Wyandot Place has that traffic light is because they come down to the intersection of 795 and 75. Had they not been there or had it been 50 feet this way or that way, they would not have that light. That road still cannot handle traffic both ways. It's just not wide enough. Take a ride down there and see how narrow it is.

The next person who addressed the commission said he was representing the Simmons Road group who are present. Since they have concerns on Simmons Road and Wyandot, it seems like there is a general consensus that there probably is too much traffic based on the number of units here. It seems like the commission also has a

concern that the density target that they have set has not been met either. He thinks it's fair to say Wyandot or Simmons, there is a lot of concern about traffic. He is one of the people who tries to get to work in the morning turning on to 795 from Simmons. It can be difficult now unless you leave real early. He hates to think with the additional traffic what it would mean. He wants to echo the concern that was just raised.

Mr. Schaller asked if there were any questions from the members. Mr. Normand said the PUD-RS states a density of four, and wondered if that was correct. Mr. Garn said that's where it starts, but then it can go from there. There are different criteria where you can add on to that four. He said he could get the section and he read it to Mr. Normand. He said he could make a copy of it for him. He said there are some ways that it can be added on to slightly. Mr. Normand said his second question is WC is asking for a 29 foot fully paved open access road to empty out on to Wyandot Place, and they have heard from many people that Wyandot Place potentially won't handle that. He is sensing okay, if they need another emergency access, that the neighbors would much prefer a controlled access. He thinks he heard Mr. Michaels say that they don't necessarily, from a developer's standpoint, need or want that other than for emergency vehicles. He wanted to make sure he was understanding that situation, and he was.

Mr. Schaller asked Mr. Garn per their drawings, they have multi family units in here. The adjacent properties, the most dense are R-2 which would allow single-family, and Mr. Garn confirmed that. Ms. Warnimont asked Mr. Garn, that all was R-2 single-family, the whole entire area, and quite a bit is already, so approximately how many single-family houses would possibly be in there. Mr. Garn said he thinks he worked that up one time. 90 some units. There are 31 acres. There are 15,000 square feet per unit.

Tim Burns addressed the commission regarding this application. He said when they initially saw the board, the design concept was to have the multi family units in it with single-family. He thinks at the time they were looking at a zero lot line situation. Per the recommendation of the board, they wanted to see no single-family and suggested for them to go multi family, which is why they went that route.

Mr. Burns said if he can address the independent living concept of this community. He met with most of the individuals that have bordering property around this development, and he has explained to them the concept and the type of neighborhood that he is trying to do which is adult independent living. What the tendency is for a facility like this is people want to push them out into a more commercial area where it is more accepted on the density level. What that does to the individual that is in retirement years is it pushes them out as well. It makes them feel like they are not welcome and part of the community, and that was a big consideration when he was looking for properties. He could have found property anywhere on the outskirts of Perrysburg that

were adjacent to apartments, condos, or whatever, but it did not sit well with the demographics of what he is shooting for as far as the concept of this neighborhood.

Ms. Warnimont asked him to clarify what he said at the beginning that this board recommended not single-family. Mr. Burns said his initial preliminary layout when he brought this in before he had any engineering concepts, it was suggested he go to multi family, and that they did not want the retirement center, adult independent living center to have traffic driving by individual housing. That was the recommendation. The initial street coming off of Simmons Road was originally single-family housing, and that was the concern of having that traffic go past single-family housing. Mr. Schaller said if he may, the concern was the traffic flow through the development to the higher density in the back, there was a concern about families living there. He has since went more the direction of an adult independent living in those, in the multi housing. Mr. Burns said correct. Mr. Schaller said that has kind of changed that situation some with respect to the multi family and more of a single-family approach to it. Mr. Burns agreed. Ms. Warnimont said how many units in single-family would there be if he put in just single-family housing. The response was you have to take raw acreage which, according to their regulation, is gross acreage, which means it includes everything. 31 times 4, and Mr. Garn said 124. Mr. Michaels said with the additional purchase of 4 and a half acres, that will change the picture a little bit. You will have 35 and half, 36. Mr. Burns commented that he is not suggesting that they maybe go to a higher density. That was not what he was insinuating. What he was talking about is what Mr. Schaller said, which was about going past single-family housing versus the multi family residence.

Mr. Schaller asked if there were any other comments from the members or Mr. Garn. Mr. Garn said he could not remember if they discussed their traffic study and the difference between R-2 and after that.

Mr. Michaels said when they originally presented it in a formal presentation, this part was residential, single-family, and they proposed this multi family. That's when the suggestion came to have it all uniform, the same type of development, and they took that. At that point what they decided to do is to compare what would happen if this whole thing would have been developed, not just this piece, but the whole thing developed as a single-family. They projected 99 units, not 120, versus 165 units. And now they dropped two units out because of the request of WC, and they made this road wider, so they have two units instead of four here. So now they would have a better situation because it's 163 versus 165. What they did, they compared a typical traffic pattern from a subdivision of 99 versus adult independent living, and there is a category like that in the traffic manual of the level of 165. According to that study, which they made it available for the board, they will have a lesser impact on the neighborhood because they have different traffic patterns. Very few people at that age get up in the morning and go to work. There are no school busses going to be going through this development. There are no people coming back from work at the certain time. Peak

hours are seven to nine on weekdays in the morning, and four to six in the evening, and that's what the study addressed. It did not address how it will impact the traffic on Simmons Road. It basically presented them with two numbers, and the number of adult independent living was lower than a regular subdivision at 99, not 144. That's all that that study meant. Now based on the Feller Finch requirements, in their letter they stated they have to have that study be done in compliance with ODOT requirements, and they will modify that to reflect on that, and they will have to live with the recommendation of that study. And they can make that part of the approval condition. That study will be reviewed by Mr. Huber because he actually did not vote, he abstained because he reserves the right to review their drawings and critique them based on his own interest as a WC engineer. That's why he abstained from voting. There are checks and balances in the system. What they are trying to do is to pass this particular step so they can go in front of the city, and let them review those drawings and make their recommendations. After that they are going to come to the trustees and ask them to vote on it.

Don Smith addressed the commission again. The issue that they also brought up at the WCPC was they are saying this is going to be a 55 and over community, and no less than 55 years old. Now, how are they going to control this to be true. Just like at the PC. If these buildings don't sell, are they going to start selling these to the younger generation, and how are they going to control this. Is this a violation of the state or federal rule of 55 and over, or is this allowed. This is what they promised the PC they would do. Mr. Schaller said he would like them to address that.

Mr. Michaels said he would like to address that also and make everybody comfortable in that respect. What they are going to do, they are going to have a restrictive covenant to this development which will state specifically the age requirement of somebody allowed to live there. In order for them to change that, they will have to have a PUD change. They can't just change it at will. And they will have to come in front of the commission. They can make that part of their requirement. They are already working on that because they don't want growing families, younger people in the same development that is tailored to adult independent living. That's the difference. The success of this project is hinging on the adult independent living concept.

Mr. Normand had one final question so he is clear. The multi family in the back, the H shaped building, that is rental property, and the response was correct. Mr. Normand said, and it is also 55 and older, and the response was correct, it's the adult independent living concept. This is nothing more than an apartment complex under the same roof with interior corridors and having one common area.

Mr. Schaller said the comment was made it was for a preliminary review, but as they stated here, this is for requesting that the zoning be changed to PUD-RS, and that's what they are to decide. Mr. Garn said they could separate them out and vote that the land be rezoned a PUD-RS. In WC they did that, and then they voted separately for the

footprint or the site, which is different than what they have normally done. Mr. Schaller said just to complicate things here, and Mr. Garn said yes. Mr. Lajoie said if you want to bring the density down, that's a good way to do it. He hates to talk out of turn, but that's a good way of separating it if you have issues with the density. If they are thinking about allowing it, allow it. They heard Mr. Michaels that they could consider talking the density down. It's just a good way of separating the two.

Mr. Schaller asked if he had a motion to change the zoning to PUD-RS per the submitted site plans. They need a motion to vote yes or no. Mr. Normand moved to change the zoning to PUD-RS. Mr. Schaller asked for a second, and Mr. Rometo was the second. A roll call vote was taken. Yes votes by Mr. Normand, Mr. Rometo, and Ms. Warnimont. No votes by Mr. Benavides and Mr. Schaller. Motion carried 3-2-0.

Mr. Normand said preliminary approval of the PUD-RS is specific to that, and he would make the motion that they approve that based upon the five items that were given in the WC approval, with the exception that item number 1 being a 29 foot fully paved open access road be constructed to empty out on to Wyandot Place, but that it be a controlled access. And they would also have item 6, ODOT study to be acquired and adhered to. And item 7, that the restrictive covenants be provided in the deed that individuals buying into this development be no less than 55 years or older. Mr. Schaller said, and with that motion they would adjust that density as requested here. Mr. Normand said that's item 4 in the WC, which is adjust the overall density to four units per acre.

Mr. Burns wanted to say one thing in regards to that. There is a legal restriction how you can or cannot restrict that age. Can it be worded so he has to follow what is the legal language of how that is written. Can it specifically say nobody under 55 in the median age requirement. The bylaws within the subdivision would be such that there is not going to be playgrounds, no basketball hoops. There is legal terminology that goes with that that supercedes anything that he can say to them, if they have been following some of the papers of what's going on right now. Mr. Norman said the question becomes can there be people less than that age. Mr. Burns said there is a written code to how that needs to be worded. Mr. Normand said that then does preclude it, or it averages. Mr. Burns said there can only be a minimum of, and he does not know what the percent is, a 1 percent under. It's not 55, it's 65, but the median age has to be 65 or older. The comment was made that the board should be aware before they vote on this that some of the other adult communities, like Waterside, are being challenged in court, the legality of putting restrictions on under the fair housing act. If they are going on record voting for this and it's against the law, he thinks they ought to think about that. Ms. Warnimont asked if Waterford is an adult community as they are planning. Is that how Waterford is restricted. She was corrected that it's Waterside. Mr. Burns responded saying it is not restricted in that same way. They have similar deed restrictions that he would be including in, but they do not have any type of age requirement. He has been following it very closely because it does not do what he is

trying to do. That's why he brought it up. He is trying to stay within his legal bounds. The reason why they are being pursued is they excluded an individual or individuals that they legally could not because their bylaws were not written in such a way that they could. He is telling them his bylaws will be written so they would fall within the fair housing act which is the entity that enforces that. Ms. Warnimont asked him to explain the business about the percentage then, that somebody under 55 could go in their percentage of somebody under 55. She asked if that was what he was saying. Mr. Burns said to be honest with her, he could not tell her a certain average, but he believes that the minimum age is 50. It was asked if they could present the legal papers to them. They can contact their attorneys. Mr. Normand said his concern is that he is not really in favor of multi family in this particular area unless they can guarantee that they are 55 years or older. That's as simple as he can go. If there is no guarantees to that. A comment was made that it's misleading to the people.

Keith Foster addressed the commission regarding this application. He is with the fair housing center. They are the organization that sued Waterside. They have reached a resolution in that matter. But the issue is can you restrict 55 and older. The answer is no. You can restrict to 62 and above as long as one resident is at least 62 and above. 55 and older, you could restrict it as a deed restriction, say 55 and older, as long as you designate that property and market it as such. But if somebody passed away and owed it, they could give the property to their children by law. And then they would be able to change that and be able to restrict it. But you can, as a deed restriction, say 62 and over, and every unit has to be that. If you go 55 and older, the development could voluntarily, but he understands that they don't want to. They could voluntarily do up to 20 percent could be less than 55 and older. Mr. Michaels said they don't want to do that. Mr. Foster said they could restrict it deed wise to 55 and older, as long as they comply with the housing for older persons act and advertise themselves as such. Mr. Normand said that clears it up. Mr. Michaels said in light of that, didn't they market themselves as an adult independent active community. Mr. Foster said they did market themselves that way, but they didn't follow the rules. They did not deed restrict that way, and they didn't advertise that way, and they got in trouble. Mr. Michaels said, and they are trying to do that, and they will present them with that document. Mr. Normand said what he thinks they are trying to say is that the age restriction needs to be 55 years or older, and Mr. Schaller said consistent with what is appropriate, and Mr. Normand said consistent with the law. But he also does not want to vote for something that they can come back and say well, we tried to be consistent with the law, and sorry, but you are going to have 20 percent of the families in there are going to be under the age. Mr. Michaels asked if they could present them with legal work. Can they make that a condition of their vote this evening so they can present them with legal paperwork after it's drawn up, and one of the requirements will be adult independent living where there are no children.

Mr. Schaller asked if that was Mr. Normand's motion. Mr. Normand said he does not know what his motion is. Mr. Garn asked if they wanted to have a continuation so it

could be redrawn to show, because they were trying to limit it to four units per acre as one condition. Mr. Normand said the five conditions that are in the WC approval. Mr. Garn said he was not advocating it, he was just saying if they wanted to have a continuation to have them get the legal work either to their attorney or to review for the board. They can ask for anybody to review. Mr. Schaller said by accepting that motion, they would essentially have to go through and revise their site plan because it does not meet the four units per acre. Mr. Garn agreed, but said except if they approve it, they won't see it again. It will go to the trustees then after them. Mr. Michaels said they could meet that criteria at that point. Mr. Garn said they are modifying it right now. So the question is do they want to see the modification next month or pass it on. Mr. Schaller said from that standpoint, the continuation would be more appropriate so when it does go to the trustees, Mr. Normand said they are getting a recommendation of something. Mr. Schaller said continue it for a second meeting then, well, actually a third meeting because it's already been continued once. Mr. Normand said he hates to do that to them. Mr. Schaller said what's the alternative. Mr. Normand said that's right, they would have to vote. Mr. Normand said he would rescind his attempt at a motion, and he would move that they continue this for an additional 30 days awaiting a response to the five items in the WCPC recommendation plus item 6, being the ODOT/city to be required to be adhered to, and item 7, a legal document that requires the age limit at 55 years or above. Mr. Schaller said okay, with that motion could he have a second, and Mr. Rometo was the second on that. A roll call vote was taken. Yes votes by Mr. Normand, Mr. Rometo, Mr. Benavides, Ms. Warnimont, and Mr. Schaller. Motion carried 5-0-0. Mr. Schaller said they are not getting anything done this evening.

**ZONING CHANGE APPLICATION NUMBER ZC 2006-01.** (Hamlet Glen) We received a zoning change application from Louisville Title who are the trustees of this property. This property is part of lots 3 and 4 of River Tract 71, Town 3 USR in Perrysburg Township. It is approximately 1¾ acres in size and is located on East River Road just east of Ford Road, and across from Duxbury Lane, and just west of the Hamlet Commons. The developer is Tim McCue of McCue Homes, LLC. The original PUD was approved in March and April of 1993, and it consisted of two single units and one double unit. On January 9, 2006, our ZC met and reviewed a somewhat similar but updated plan, and concluded that the plans were a major revision to the PUD which shall require consideration and be processed the same as a zoning change. They have submitted an application to amend the PUD-RS along with a completely new plan which they hope implements the changes that were mentioned to them. The WCPC met on 2/7/06 and recommended approval of the preliminary footprint with suggestions/consideration (letter attached).

Mr. Schaller said they have the attached letter from Hamlet Glen. He asked Mr. Garn if he wanted to review that. Mr. Garn said they had two things, and he read them to the members and the audience. Mr. Schaller asked if anyone was present to address the commission.

Walt Opaczewski addressed the commission regarding this application. He said their previous submission to them last month, the site plan was three buildings of four units. Since they have to come up for a major revision, they decided to go with one building now and four units. They felt they have more green space with this layout. It's a better layout than what they had before. They received the comments from Feller Finch, the engineer. They complied with the majority of them. There are a few things, not that they are not in agreement with them, they just have not made the revisions yet. Most of those are regarding the grading and the final drainage. Mr. Schaller asked him if they intend to comply with those, and the response was they do not have any problems with the recommendations of the township engineer. One thing, they did mention that this was an approved PUD, and the building next door is a four unit building, and they are also a four unit building. They do have a 70 foot setback from River Road. That was a comment from the county engineer's office. The other comment was to take care of the drainage which they will be taking care of. Their drainage presently is to be overland flow drainage utilizing an underground pipe, under drain type pipe so that they can filter the water and maintain and equal the EPA requirements that will have to be approved by their engineer. One comment was he wanted them to line up their driveway with Duxbury Lane, and they have done that. If there are any questions, he would be glad to answer them.

Mr. Schaller asked what was the comment of the property being located within the 70 foot right-of-way, and was he at the WC meeting. Mr. Opaczewski said he was at the meeting. He thinks what they were mentioning was a driveway being within the 70 foot. Parking is not permitted closer to the road than the building line, but drives are permitted. That was the only comment they had made relative to the driveway itself. There is no way of really realigning it the way they have their buildings set up. Even if they turn the building, they still have to have some sort of a driveway similar like that. Their garages come in from this area and this area to the building. If they were to turn it, then they would be adding more asphalt abutting the neighbor. This seemed to be the best layout. Mr. Schaller said but where they have two spaces, he assumes that's a garage. Mr. Opaczewski said actually the garage is sitting right in here. Mr. Schaller said oh, beyond that, and the response was correct. So they actually have two spaces in the garage plus two spaces outside the garage for each unit. Mr. Normand said none of which is in the right-of-way, and Mr. Opaczewski said none of which is within the area of the 70 foot.

Mr. Schaller said and their question about proper drainage, that six-inch pipe under drain, that's what he is referring to, and the response was correct. Generally when you have asphalt, it will go into a catch basin, and nowadays directly into a retention pond, and then using a quality control structure into the storm system. What they are doing is they are putting the quality control structure underground being the under drains that they are using. They will do the same thing as a quality control structure. That way you don't have a large structure sitting above ground that they have to hide or

something like. Mr. Schaller asked if any audience members wanted to comment on this site plan.

Don Smith addressed the commission regarding this application. He said that same concept was used up in Kohl's, whether they know it or not, with the underground tile for the retention of water. He asked Mr. Garn if that was right, that was done on Kohl's what he's talking about, the retention of water with the tile. Mr. Garn said he knows they can do that. Mr. Smith said they did that on Kohl's. Mr. Garn said on the front maybe. Mr. Smith said under the parking lot they done it on Kohl's property rather than put a retention pond. They did put the detention pond back there, but they also put that same type of drainage out front.

Ron Cooperman addressed the commission regarding this application. As for public comment, this is the first he has seen of it. He would like to recommend that the developer and commission consider accessing the property off of Ford Road. They have a present dangerous situation for vehicles that are exiting west on Ford and attempting to go to the right or east down River Road. Putting another drive or access into that traffic flow at 45 miles an hour, you have a couple of blind spots there when a vehicle is either attempting to travel east on River or coming the other way going southeast off of Duxbury and trying to go to the west on River Road. Further within this distance between Ford Road and White Road, and he can't tell them exactly what that distance is, but there are presently five other multi family accesses. There are two at the Hamlet, there are two at the Hamlet Commons on the other side, there is Duxbury, and then you add to that the traffic from either Ford Road or White Road. And in that short distance allowing multiple vehicles, although it isn't heavily traveled, there are, nonetheless, about seven different accesses that you have to be watching for in that short span. He is not opposed to development, and he is in favor of optimizing the use of the property, but he asks if there isn't the possibility that they might ameliorate that risk and danger if they somehow tried to work something out to access it from Ford Road. He also acknowledges and sees that the railroad has been indicated there as a property owner adjacent to that, and he is not sure of the railroad's plan, or what the status is of the property, but it might enhance the safety of all the people in the community if some arrangement either to acquire the railroad right-of-way sufficient to travel over it, or get an easement or access right from the railroad as he is pretty certain that they are not using it.

Mr. Schaller asked if there was any comment about access to Ford Road, and is that a possibility or not. Mr. Opaczewski said access to Ford Road, they would have to either buy property from the railroad. In his past experience, they are not going to give any easement to cross their properties. They won't even answer if you ask. He does not know what their intentions are, and they have not contacted them.

Mr. Normand had a question. He sees it is Toledo Terminal Railroad, and that is from the records, is that correct, and the response was that is correct. Mr. Normand

addressed Mr. Cooperman asking if at one point in time wasn't there a piece of property over here that all the neighbors bought so that it would not be turned into a commercial piece of property. The response was it's that little pie shaped piece at Ford and White which was acquired by the people who lived in Belmont, and they donated it to the park. Mr. Normand said it's not this parcel. Mr. Cooperman said it's adjacent to it. Mr. Normand said he thinks he owns some of it. Mr. Cooperman said he does not know what issues might have been dealt with at that time with respect to the railroad, but he does know it changed hands. They then donated it to the park. Mr. Normand said to Mr. Opaczewski, and they have not approached the railroad at all, and the response was no, they have not. He thinks there was some discussion relative to possibly being another bike trail when they were down at the county. He does not know if that would come to anything. Mr. Normand said having lived immediately across the street at one point in time, his driveway was such that he actually came right out on to River Road. It's not so much the number of driveways, and there are quite a few, but it's the speed. The speed limit is supposed to be 45. 60, 65, and people are flying through there. That's his comment. It's difficult, and especially where Ford Road comes out at such a strange angle. Mr. Schaller said that entrance was in a different location, and they did move it down across from Duxbury, and it accommodates some earlier suggestions.

Mr. Schaller asked if there were any other comments from the commission members. Mr. Cooperman wanted to correct something he and Mr. Normand were talking about. The triangular piece is not adjacent, but it's on the other side of White Road where they used to have a fence in there. They used to throw Christmas trees in there. Mr. Normand said they were throwing trees on his property.

Mr. Schaller asked if they have a motion to amend the PUD per the current site plan. Ms. Warnimont moved to approve the change to the current site plan with a second by Mr. Benavides. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Benavides, Mr. Rometo, Mr. Normand, and Mr. Schaller. Motion carried 5-0-0.

Mr. Schaller said as part of their public meeting, are there any comments for the ZC from any members of the audience.

Don Smith addressed the commission regarding any comments. He was invited on this Stone Gate project on this signage way back. Mr. Schaller said they were going to bring that up in a minute, and he would let him address it then. Mr. Smith said he was supplying public comment, and would he be able to speak then, and the response was yes. Mr. Schaller said that concluded their public meeting portion of the meeting this evening.

**PUD AMENDMENT – MAJOR/MINOR FOR STONE GATE VILLAS.** Dean Radeloff, PE, of Jefferson Development, LLD, the developers of Stone Gate Villas on Thompson Road, are requesting to change the size and location of their development entry

identification sign as specified in Article VI, Section I.1.b.(3) which allows for adjustments in the size and location of the development identification signs. As a side note, Article X, (Signs), Section K, (Signs in the public right-of-way), 1 d allows subdivision area identification signs located in the boulevard at the intersection of streets of the subdivision with major streets to the township, subject to placement review by the BZA which shall consider the site distance issues and safety concerns. On December 20<sup>th</sup> of '05 at their public hearing the BZA read Jefferson Development's letter of December 19<sup>th</sup>, '05, and dismissed them without prejudice. They are asking for approval of this proposed change to the PUD-RS.

Dean Radeloff addressed the commission regarding this amendment. He said they have in front of them their original approved sign, and then also what they are requesting as a minor modification to the PUD. The original sign, as they can see, was a different shaped sign. And the PUD approval was for it to be obviously outside or behind the right-of-way. Unfortunately that did not happen, and a portion of it is in the right-of-way. The request is that they would like to have it where it is laid out on the last page there, this portion of the sign being in the right-of-way. Mr. Normand asked Mr. Garn if it is permissible to have a sign in the right-of-way. Mr. Garn said yes, that type of sign. Mr. Normand said if it is, it is. Mr. Garn read the applicable section to the members. Mr. Normand said but this has to go to BZA, and the response from Mr. Schaller and others was it did. Mr. Normand said they kicked it back. Mr. Garn said they kicked it back because Mr. Radeloff was determined that he was changing the PUD in that he had a slightly different location and different sign approved by the ZC than what he was intending to put up. Mr. Radeloff said there is a section of the PUD that allows for minor modifications. That's why he thinks this is the appropriate route. Now their recommendation may be to go see BZA, but he wants to make sure they do the proper procedure. Mr. Garn said he is going through the right commands on that. Mr. Schaller said he thought it was previously determined, but that's how it got there in the first place. Mr. Radeloff said in the first place he got a notice saying that his application was denied. He read through the PUD, the language of the code, and the code says for a change in your sign, he has to present this to them.

Ms. Warnimont asked how much bigger is this sign compared to the other sign in the original, height wise and width wise. Mr. Radeloff said the sign itself is the same size, and the issue with the height of the sign is the structure. The structure is he thinks 24 inches high, the stone base, and Ms. Warnimont said higher, and the response was right. So what they need to do is they can take that stone base down 7 inches. He will take a course of block out, and they will get it down to within that originally approved height. So that can be accomplished. Mr. Schaller asked Mr. Smith if he had a comment.

Don Smith addressed the commission regarding this amendment. He started out by saying in 2005 he was invited to the zoning BZA meeting. And if you look in the book here, let's go back to conflict of law. And it says in here any portion of an article found

in conflict with any other portion of this zoning resolution with the provision of any building, fire, safety, health, resolution of the township, the provision was to establish the highest standard shall prevail. And they have in this book no signs in right-of-way. Several places in here, not just one. And in an intersection it calls for 60 feet, not 50 feet. Not in the right-of-way. So they have a conflict, what are they going to do about it. There is three places in here. If you go back under the signage, and it says right there 60 feet of an intersection. This is for safety. He did not make the rules. This is for a safety issue. Anything from the point of 60 feet back, then you take 30 feet off to the side in each direction, and you should be there. And they still have an issue not only of the sign, but they still have other things in the right-of-way which will be taken up later. Right now they are working on signs. If you go back here under all these signage.

Mr. Schaller said that was okay and asked Mr. Garn for his interpretation of that issue as he previously stated as far as allowing the sign in the boulevard. Mr. Garn said they allow it. They allow signs as in the sign regulation in the boulevard in the public right-of-way. Mr. Smith said this is where Mr. Garn and he disagree. Because if you take it all, just like he read to them the conflict of interest, the highest shall prevail. And it does not say you are allowed signs in the right-of-way throughout this book. No signs permitted in right-of-way. And this particular item which they are trying to get this sign under, it calls for the BZA, not the ZC. They should go back to the BZA.

Mr. Schaller asked Mr. Garn if he had a suggestion for between the two entities, which is the most appropriate to address it. Mr. Garn said something like this, normally they would make a recommendation to the BZA on something like this. They are going to look at, which it states in there, the site distance issues and safety concerns. They would look at the sign itself and determine whether it has those issues. Mr. Radeloff said he has some photos that they blew up a little bit if they want to look at them from a safety concern point of view.

Ms. Warnimont asked a question. She said from the edge of this sign here forward, about how many feet is it from the edge of the road are they talking. Mr. Radeloff confirmed from the road, and she said yes, from the edge of the road back to the edge, the very beginning of the sign, how far back would he say it would be. Mr. Garn said it was 30 feet from the edge of the road. Ms. Warnimont said 30 feet back from the edge of the road at Thompson. Mr. Radeloff said to the front of the sign. Ms. Warnimont confirmed to the front of the sign. Mr. Garn said within a step or two. He paced that off. Ms. Warnimont said this says 20 from here to here. Mr. Garn said he did not know. This is the 20 feet from the right-of-way from the front part of the curve that goes around out into the right-of-way. There was some discussion among the members. Ms. Warnimont said okay. She got it. Mr. Garn said so it's 30 feet from there to the front of the sign. It's less than that to that curve. Ms. Warnimont said that makes sense.

Mr. Schaller said he guesses what they would recommend to the BZA, that it went through this body to the BZA, and if they follow that process, they suggest that those folks review it, and he thinks they could leave it there. That would be his recommendation, that they forward it to the BZA for their review. Ms. Warnimont said because he is going to make the changes to the height of that base. He does not have any change as far as a minor or major to anything, and wondered if that was right. That's why he is coming back to them. Mr. Garn said it's in a different location. If they look at the drawing, and he has three copies of this size, and it shows what was submitted, and they can sort of see where the line went across, and originally the sign was supposed to be behind the right-of-way, from what he can determine. Mr. Schaller said yeah, it appears that it is behind it. Mr. Radeloff said the sign was supposed to be out of the right-of-way. It was not constructed that way, and that is totally their responsibility and his fault. But they would like to leave it where it is if they could. He has some photos that he blew up to show that he does not think it's an issue as far as safety as to where it's at with respect to where a vehicle would have to pull up and exit the community. He asked them if they wanted to take a look at those. Mr. Schaller said it's a matter of his opinion, their opinion, and that sort of thing, he would rather, if for some reason down the road it causes a problem, or an accident, or something like that, and somebody delves into it a little further, he would like to and he would feel comfortable that it did go through the proper channels to end up in its current location, whatever the BZA would rule on it. He thinks it covers everybody a little better in that scenario.

Mr. Radeloff asked if they would entertain a different location of the signage, and they would remove the pedestal, essentially. Ms. Warnimont said moving it back. Mr. Schaller said he thinks if it was behind the right-of-way is probably the issue. Mr. Radeloff said that's what he is saying, if they would do that. Mr. Garn said it would not require any approval. Mr. Radeloff said it would be a minor change because he would be moving the location of the originally approved sign. Mr. Normand said actually they would be putting it in the place where they said they were going to originally. The comment was other than the sign itself changed. Mr. Radeloff said he could either move it behind the right-of-way, but he has the sign, so he would like to utilize the sign itself. If worst comes to worst and it's not acceptable to be in the island, they could put it in these planting areas up against the stone walls. They could put one on each side of here, and then they would have that signage there in lieu of it being in the island. Mr. Normand said but still out of the right-of-way. Yeah, that gets him back out of the right-of-way. Mr. Normand said then it becomes a minor change, and they could do that.

Mr. Smith said they could not move it where it's at back and stay out of the right-of-way because they have that guard chain there. The comment was yes, they could. Mr. Schaller said that's his responsibility if he wants to move his guard chain to accommodate the sign. Mr. Smith said other than that, he can't get it back there anyway with the guard chain. The comment was it would be a different sized sign,

obviously. Mr. Smith said let him refrain that. That's a waterline easement also, and if they ever decide to come along there and had to dig up that waterline side. Mr. Schaller said it's his responsibility. He wanted to know what Mr. Radeloff's preference was. Mr. Radeloff asked what the choice is. If they want to leave it where it is, it would go to BZA and go through that process. Or they could agree on a location here, and would that be acceptable. The response was yes. Ms. Warnimont said they are only allowed one sign per development. Mr. Radeloff said this is a PUD, so can't they do this. He thinks two would balance it. The comment was right, it certainly would, and that would look nice, put a spot light out there at night or whatever. Mr. Radeloff said they put it up against the stone walls and spot light it. Mr. Schaller asked why he needed two. Mr. Radeloff said he has two. The comment was made coming from each direction, it does look nice, and it's out of the right-of-way and that whole safety issue. A question was asked that right now they have each side, and Mr. Radeloff said there would be no square footage added to the sign face. Mr. Garn said it would be a single face instead of a double face sign. A question was asked as far as the maximum allowable. Mr. Radeloff said he thinks the maximum allowable is 150 square feet, and they would have he thinks about 50 square feet total with both signs.

Mr. Schaller said if he wants to do that and treat it as a minor change, he asked Mr. Garn if he could address that. Mr. Garn said if it's done as a minor, then it can go on to the trustees for them to determine if they think it's a minor change. And if it is, then that's what it is. They can make the recommendation. Mr. Normand asked Mr. Radeloff what he was going to do. Is he going to take that sign or the other sign and put it on the wall. Mr. Radeloff said that sign there, and he will put it maybe here up against the stone wall. One here and one here. Mr. Schaller said you want to revise and propose it as a minor change, is that their motion, and the response was that's our motion. Mr. Radeloff said there will be a stone wall in the island. Mr. Normand said in the island, but the stone walls, either side, are outside of the right-of-way. The response was yes.

Mr. Smith said towards this end here, here. Mr. Radeloff said look at the plan above. Do you see where they are at. There was some discussion about the location of the sign. Mr. Schaller said Mr. Benavides made a motion. Mr. Garn said the stone wall is going to be built then on either side eventually. The comment was made that the stone wall goes away. Mr. Schaller said no, at the entrance. Ms. Warnimont said where are you going to put the signs up now. Mr. Radeloff said yes, of course. Mr. Smith asked how tall the walls are going to be. Because it says nothing higher than two and a half feet for the safety issue. And that's 60 feet. Mr. Schaller said it's not within the right-of-way. Mr. Smith said that was without the right-of-way. If you looked in the book back here, nothing in the 60 feet, the point of 30 feet each direction. And you take 60 feet in all, Mr. Schaller, then you take the side of the driveway, and you draw a line across that corner 60 feet, and nothing in that 30 feet shall be interfered with the view of the traffic. He did not make the rule. It's in there. Mr. Garn said the rule is 30 feet, and where that sign is presently located is approximately 30 feet right from the edge of

the pavement. So the right-of-way is about 33 feet back from the edge of the road. Mr. Smith asked Mr. Garn how wide is the road itself, Thompson Road. Mr. Garn said it's from the intersection of the right-of-ways, and he would have to go by the pavement. It has nothing to do with the width of the road. It's a restricted area going back 30 feet. Mr. Normand said he thinks it's a 60 foot right-of-way which means the road's in the middle of the right-of-way, so it's 30 feet from the center line. Mr. Smith asked if he could step up and show them this. He does not want them breaking the rules here. He did not make them. If they all will read this right here about the 60 feet. The comment was made that's for corner lots. Mr. Smith said no, that's for an intersection, and it says it right there, intersection. Of an intersection street, you don't poacher that 60 feet. Ms. Warnimont asked what section they were at. The response was F. Mr. Smith said this is under Section F. Ms. Warnimont said no, article. Mr. Smith said let's go to Article X, Section F, the first page is under the part residential. And this all goes back to the page, and it says Article X, page 13. Ms. Warnimont asked him if he had a current book. Mr. Smith said yes, he did. He had to buy this. Ms. Warnimont said Article X, Section F, is on page 16 in this book. Mr. Smith said what does it say down here. Here they go. This is what covers this and this, and this comes right here. This portion down here covers this, and this portion up here covers the R districts. And it says right under d. There it is. Under number 2. 60 feet from the point of an intersection. Nobody realized this when this drawing was first drew up. Mr. Radeloff asked what this had to do with what they were talking about here. Mr. Smith said this is what the sign calls for, 60 feet in the intersection. He did not make the rules. They made them. Mr. Normand said and they are in the correct zoning classification when they are looking at that. Mr. Smith said yes, they are.

Mr. Radeloff said are we talking about the current sign or the proposed sign, and the response was the current sign. (Now everybody is talking at once and I can't figure out what they are saying.) They could have a problem. Mr. Smith said that's a PUD. Mr. Radeloff said the current sign is going away. Mr. Schaller said the question is where to put, and Mr. Smith said the new sign within that 60 feet. Ms. Warnimont said according to this, and she started reading. Mr. Garn said no, those are residential. There was some more discussion. Mr. Radeloff said isn't that why you do a PUD. That's what he keeps getting back to, this is a PUD. It's a process that they can work with, they can go back and forth with. Mr. Schaller said there are limitations within the PUD. He said to Mr. Garn that maybe he needs to study that. How can they leave that, and Mr. Garn said yeah, because they are using rules from different zoning districts. Mr. Schaller said yeah, they have to verify what is applicable. Mr. Radeloff said maybe they could tell him where they want him to put them, and he will put them there.

The motion was made to continue this so that they can get an appropriate recommendation. Mr. Garn said he is already approved for the walls that are there. He could build those right now. The ZC has given him approval for that. It's a matter of whether he can put signage on the walls. Mr. Radeloff said it's a PUD. It's been approved. Why can't he put the sign up. There is a motion pending. Mr. Schaller said

there is a motion. Mr. Smith said they do have to keep this below that two and a half feet over at the wall height. Keep it within the rules. Mr. Schaller said the wall has previously been approved through the PUD. It was submitted with the drawings. Mr. Smith said we don't know what height that is. Mr. Schaller asked if the height of the wall was noted on their drawings. Mr. Garn said he can't say that. Mr. Schaller said he does not know about these drawings, but the drawings that the PUD was originally approved. Mr. Garn said yes, it's been previously approved. Mr. Schaller said he would assume so. Mr. Schaller said let's call the motion. Ms. Warnimont asked Mr. Benavides to repeat what he said for the motion. Mr. Benavides said approve as a minor change. Mr. Schaller said relocating the signage on either side of the wall, fence, whatever you want to call it. Ms. Warnimont was the second on the motion. A roll call vote was taken. Yes votes by Mr. Benavides, Ms. Warnimont, Mr. Rometo, Mr. Normand, and Mr. Schaller. Motion carried 5-0-0.

**CROSS ROAD SELF STORAGE.** Mike Tiller of Cross Roads Self Storage of 8252 Avenue Road would like to talk about adding more units to the site. Included are a drawing and minutes. The storm water calculations have been reviewed, and a copy of the findings are attached.

Mr. Tiller addressed the commission regarding this matter. He said as he reviewed the information from the engineer, and it looks like the calculations for the retention pond, they are okay for stone, but for them to go with blacktopping, it would have to be expanded by a thousand yards, it looks like, cubic yards. Mr. Schaller said the detention basin would have to be extended by a thousand yards. Mr. Tiller said to blacktop. He guesses what they did when they went to Mr. Allion's office, when he resized the pipe which they couldn't take out to Glenwood, they didn't pipe for blacktop. He was not aware that the retention pond was not big enough for blacktop. So he had brought all this fill in to form this blueprint which is only adequate for stone, which it probably needs another hundred truckloads of dirt being removed down to the retention pond. He would have thought that Mr. Worline at that point, re-engineering the storm-sized pipe through the ground, would have made the retention pond bigger. He thought the whole thing was set up for blacktop as it stood. He is finding out now that the engineer that worked with Mr. Garn, that the retention pond is not large enough. It's a little bigger than the blueprint, but it's not a thousand cubic yards larger. He can go back to the article in the book. He is trying to expand the site. Article IX, page 10 where it says that you can use basically a dustless surface if you are outside a distance of 200 feet from residential. He is probably thousands of feet from residential there. So what he would like to do, if they don't mind, is to get permission to build the first row, go back, expand the retention pond a little bit off site, probably off the end adequately to do blacktop, and eventually blacktop it. What he wanted to do was get the first row built, come back, blacktop it, expand the retention pond. It's not that he does not want to blacktop it, it's just that the retention pond is going to have to be larger than what is shown on the blueprint. He does not know where to go from here.

Mr. Normand asked him exactly what he was asking. Is he asking to size the pond. Mr. Tiller said he is asking permission to start building more buildings across the front. It will have to be in installments. Mr. Schaller said he thinks the original was kind of on the condition that he would build out the additional buildings, but when he does that he would pave the area around the buildings. Mr. Tiller said right, and that's what he would like to do at this point. What he's asking permission to do is just to start the two. As they get them occupied. It will take a year or two probably to pave, and the retention pond, expand it to go in the back. Mr. Normand said when it's all said and done, he will have the appropriate amount of retention. Mr. Tiller said yes. Mr. Normand said what he is really asking for is to be able to do the retention in phasing as he builds and pave. Mr. Tiller said right. Correct.

It was asked if they can do that. Mr. Garn said they have already started it because they allowed him to build the first two buildings, and there was quite a bit of discussion back then about paving and so on. Mr. Tiller said it's not that he does not want to pave, it's just all the settlement between the buildings, putting catch basins in. There is going to be more settlement. So a year or two of stoning and so forth, it will probably come out to be a nicer project. What he is getting at is they could go and continue the other five buildings down the front, come back, catch the retention pond and pave. He would have adequate funds to do that. Mr. Schaller said so he wants to build the balance of the buildings, and Mr. Tiller said across the front, and Mr. Schaller said yeah, on the front, and then pave. He is not going to pave as he goes around these buildings. Mr. Tiller said he would rather continue the mess. A lot of the asphalt moving, and dirt, and so forth. It's cheaper to get the whole thing done, get the building knocked out, come back and catch the retention pond and then pave.

Mr. Schaller asked what his schedule was for completing that first row of buildings. Mr. Tiller said he would like to have it done, if everything goes right, by the end of the summer. Mr. Schaller said so at the end of the summer that means he is going to pave them shortly thereafter. Mr. Tiller said probably the following spring. Mr. Schaller said he thought that was contingent upon continuing with those buildings was that it was to be paved. If he was done in the summer, he would still have time to pave.

Mr. Tiller said he could probably move that retention pond, but then he would have to go back. The engineer he believes said he would go back and total the retention pond, and tell him what size it is, and then charge him again after he does it, and come back and verify that it's big enough. The thing is he knows it's not big enough. It's been approved for stone, which he thought everything was for blacktop. If you look at what Worline submitted to him, it sounded like it was ready for blacktop. The pipe is. Mr. Garn said, and what he had said in the statements, and he can give the copies of the minutes, Mr. Worline said that the area was approved for blacktop if the pond was large enough, he believes. Mr. Tiller said that's what he thought. Then it goes back to this here. Mr. Garn said those must have been different sized calculations versus what he showed on the drawing. Mr. Tiller said he must have confused that, too. He is not

sure. But he knows that when Mr. Allion said that they couldn't run the pipe out to Glenwood, he went back to Worline and said, he's not letting us go to Glenwood. Otherwise he would have to cut two pipes through those yards going to the Dry Creek there. He did redraw that, and that was approved with the stone. Mr. Garn said Mr. Allion approved it for stone. Mr. Tiller said right, he looked it over and said well, now, we got the pipe fine for blacktop, and he didn't have to run out to Glenwood. But he was on the assumption that he approved it, but he wasn't under the assumption that it wasn't big enough. He thought everything was ready, that he could keep on building and not have to go back to the retention pond. That was a developer's error.

Mr. Schaller said and he has heard at a couple of these other meetings, the storm water seems to be a pretty sensitive issue. These have to be designed and functioning properly. Mr. Tiller said what he is going at is it basically says he can build with stone which was originally approved. What he would like to ask is can he continue building or at least get permission to put the other five buildings up, and then come back and blacktop at a different phase before he even starts the back row. The question was before he even starts the back row. Mr. Tiller said yeah, before he starts the back row, they will see blacktop here. That would be fine.

Mr. Schaller said he would make the blacktop contingent upon completion of the first row as opposed to proceeding with the back row. Mr. Tiller asked him to say that again. Mr. Schaller said the blacktop should be completed and doing it at the same time as he completes the front row, and probably prior to starting the back row. So he completes his front row of buildings that he is requesting that he do. Once he gets done with that, then it's paved at the completion of that front row. To a certain extent that's what he is asking, but if he does not start the back row for two or three years, it's sitting out there. Mr. Tiller said how about the following spring or something. At the end of one article with the township it says one year after completion of the building. Mr. Schaller said he is already kind of working through that as he has already started a couple of buildings and leaving it stone in that sense, so to a certain extent they are kind of working with him leaving it stone through the construction of the balance of those buildings. So his point is just so it's done reasonably soon, whatever that definition is, after the completion of the front row so it does not sit there, and that he does not leave it stone for an extended period of time. Because they do blacktop. Mr. Schaller said he said he was going to complete it at the end of summer. Usually asphalt operations go on through the end of November or so. Mr. Tiller said that is what he was hoping for. But if they don't get them all up by the end of summer, that they could probably go ahead and blacktop the buildings. So they could probably do half of them. Was that what he was asking. Mr. Schaller said yes. Mr. Tiller asked how they wanted to word it then. Mr. Schaller said word it to at the completion of the first row, the south row of buildings there, that the pavement will be done within, and he is not sure if he should say a reasonable time frame. If it's not done in December or January, it's not going to be until spring. As soon as time permits, or something like that. Mr. Tiller said that would be fine with him. He is looking to get the buildings built. But they will have

to move a thousand yards of dirt out of the retention pond. He did make it larger. He was proud of that. It's just not a thousand yards larger. Mr. Normand said he would move that they allow him to continue and build the south row, and that the pavement go in at the time of completion of the south row, weather permitting. Mr. Benavides said that would be all right, and he was the second on the motion. Mr. Garn said the asphalt is just around the buildings, and the response was yes. Mr. Schaller said and his retention pond has to be revised. Mr. Tiller said he understands. He is not going to move the retention pond. It is kind of sad that he brought all that dirt. Mr. Schaller said good luck. Someone asked if they were going to vote. Ms. Warnimont said Mr. Benavides was the second. A roll call vote was taken. Yes votes by Mr. Normand, Mr. Benavides, Mr. Rometo, Ms. Warnimont, and Mr. Schaller. Motion carried 5-0-0.

**INFORMAL REVIEW.** Taco Bell of 27171 Oakmead Drive is considering tearing down and rebuilding at this site.

Paul Schmelzer addressed the commission regarding this informal review. Mr. Garn said okay. It's working. Start again. Mr. Schmelzer stated his name again and introduced himself. They are looking at the Taco Bell at Miller Drive and Oakmead. Essentially what his clients want to do, they are required by corporate to tear the store down every 20 years and update it, so that's exactly what they have to do. This is the existing condition plan. This is the proposed condition plan. What he has done here in blue is highlight the old store, and superimposed the new store on top of it. Mr. Schaller said probably a little more square footage, and Mr. Schmelzer said exactly. There is a little bit more kitchen space back here, and there is a cooler right there. They actually have a reduction of five seats in the building compared to what is there now. What he was hoping to find in the code was some sort of administrative review for a scrape and rebuild like that. He didn't see anything. What they are looking for this evening is some input on what it is they are attempting to do, and what exactly they have to do from a site plan review standpoint for something like this. They are proposing to leave the access points exactly as they are, the landscaping exactly as it is, the parking as it is, which will now be more compliant or exceed compliance since they are reducing the store by five seats. Use the exactly same sanitary sewer service, water service. Essentially put a building that's slightly larger back in the exact same place that it is right now.

Mr. Schaller said as they have adopted a new zoning resolution, it would be like building a new building. Demolitioning a building, and building a new building, and making sure it meets the current zoning requirements with respect to parking, landscaping, and all the various issues. He asked if Mr. Garn agreed. Mr. Garn said yes, but it's a unique thing because it has an access road, but it's in front of the building, not normally where they put one. They may retain some of it, but he is not sure how it will fit with their requirements. It may fit just fine also. Mr. Schmelzer said, if he's hearing what he is saying, that this would not be considered some type of minor modification to a site. They are bulldozing the store, so they are going through the full site plan requirements.

Mr. Schmelzer said this might sound like a silly question, but he has been hearing a lot about city and WC this evening. In the code review process he didn't see anything about that, and he was curious if in this location they have to go to either of those two places for site plan review. Mr. Garn said this is in the overlay district. But they would also at the present time have to go to the city for a site plan review from them, because they are in the negotiation stage right now with the township, so that won't have to take place possibly, but they have a rule that says that anything that touches their water or sewer lines, that they get to do a full site plan review. Mr. Schmelzer said that's to the city, and Mr. Garn agreed. Mr. Schmelzer said is that for proposed utilities, or the utilization of existing services. Mr. Garn said the thing is, they may not have to because they have existing services. He is going to guess, because they are existing services, and they have the taps already, that they probably cannot have them do a site plan review. But no guarantees. Mr. Schmelzer said assuming they do, is their site plan review contingent upon the ZC's, vice versa, or do they run concurrently. Mr. Garn said they don't even believe that they should be allowed to do it. And they have the county prosecuting looking into that subject at this time. Mr. Schmelzer asked when does WC come into the mix here. Mr. Garn said they would not come into the mix. This would just be a site plan review. They are not changing the zoning, and this is not a PUD. It is not a major/minor change.

Mr. Schmelzer said when he talked to Mr. Garn on the phone a little bit, and he realizes they got this on short notice, but if they have had a chance to take a look at it, are there any site nonconformities that stick out right away. It was asked if there was any landscape buffering required between the parking lot and the side lot lines. Mr. Garn said he believes there is in the overlay district. Mr. Schmelzer said he believes there is also. According to what he has read in there, it's a 10 foot when you are abutting a service road. Mr. Garn agreed. Mr. Schmelzer continued, there was a 50 foot front yard setback requirement abutting any parallel or perpendicular service road to 20, and he thinks the landscape requirement went from 30 feet to 10 feet when you are abutting a service road. He is pretty sure they are very close to that. He would have to double-check that in some of these areas, but in some other areas they significantly exceed that as well. It was asked would this be something that if he could come pretty close, that he might go to BZA and request some variance since it's an existing facility, and Mr. Garn said yes. It was suggested that he might want to paint trees on the side of Sherwin-Williams there.

Mr. Schmelzer said with the BZA process, let's assume that this is only 8 feet right here between his curb and the right-of-way, and is that where he needs the 10 feet. It does not include the right-of-way to the edge of the pavement. He would go to BZA for that, and that would be subsequent to their meeting, or could those two things be approved concurrently. He was thinking there was a section in their code that said certain variances could be approved concurrently with the zoning permit. Mr. Garn said sometimes if they have proofs come to the ZC to get a recommendation to the BZA. They don't have to follow that. Mr. Schmelzer said if they don't follow it, did they get

their zoning permit. Mr. Garn said no, he meant the ZC said they like it at 8 feet, and the BZA can say sorry, we want it at ten, period. Mr. Schmelzer said is there a provision in their code now that states that a variance like that could be approved here without going to BZA, and Mr. Garn said no. Mr. Schmelzer said so if they are 2 feet short there on that face of curb, they go to BZA with their recommendations no matter what. Mr. Garn said that would be a good way to do it. That way they would know the ZC had looked at it. Mr. Schmelzer asked when the BZA meets. Mr. Garn said they meet the third Tuesday of every month. The ZC is the second Monday. Mr. Schmelzer asked if he had to be on that agenda a month ahead of time. Mr. Garn said no, it's not a month. But it works out because of the advertising for the BZA, it's approximately 2 weeks before their meeting is when he would have to send in the notice to the newspaper. Mr. Schmelzer said so they can't make this meeting and then make the subsequent BZA meeting. Mr. Garn said yes, it just depends on the advertising. They advertise for the BZA beforehand.

The last question that Mr. Schmelzer had pertained a little bit to signing or signage. What do they consider exactly a wall sign, and did they get those exhibits that Taco Bell furnished. Mr. Garn said he did not give them to them. Mr. Schmelzer said there are panels that go over there in place of window locations that show a bell on them. There are canopies that go over the top of a window that show a bell on them. A question was asked will they actually have the word Taco Bell written on top of the canopy where the entrance is.

Don Unruh addressed the commission. These are called flying arches. This has no signage on it. It's attached to the building, and there is no signage on this. There was a question of whether that was considered some sort of signage. They have trellises. These panels here that Mr. Schmelzer was just talking about, they have the option of getting them without a bell, and they are just colored panels that has a light that shines on them like a drive-thru sign. If they don't have a bell on them and they are just colored panels, are they considered signage, and the response was no. These kind of trellises or awnings over windows, nothing like that is considered signage, and the response was correct. Mr. Unruh continued with the bells. Actually the bells and word Taco Bell is the only signage that they would have if they had these panels with no bells. This is attached to the building. This would be a building sign or a wall sign. It goes over the entrance, and one on the drive-thru side as well. Ms. Warnimont said the entrance is on the side facing Sherwin-Williams, and the response was yes, there will be an entrance there, and this will be the front entrance. The comment was made, the exact same location as they are right now, and the response was exactly how they are now. Ms. Warnimont said she does not go to Taco Bell. Mr. Unruh said this is what it would look like from the front, and this is what it would look like from the east side. And the rear would not have signage. They have a bell on it. Ms. Warnimont said and they are not requiring any sign facing the access road and Route 20. They don't have a sign there at all. The response was yeah, they are going to put that on the site plan.

Mr. Unruh said the other question that they had was the existing road sign that's there, they are not going to change the faces or anything. That's the current sign that they have, so what can they do with that. The comment was do they just want to leave it. Mr. Unruh said we just want to leave it and not touch it. Mr. Garn said leave it. There is nothing he is going to do about it. Mr. Unruh said they appreciate that. There was a quick question for verification. Two of those following types of this sign. This is the canopy or marketing sign right here. Mr. Garn was going to say many businesses have gone to the BZA before because they were way beyond. Basically they have all gone. Because they could put signs all the way around their building. They know nothing is for sure, but have they been fairly successful. Mr. Garn said historically, yes.

Ms. Warnimont moved with a second by Mr. Normand to adjourn. Everybody was in favor. No one was opposed. The meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Grant W. Garn,  
Recording Secretary