

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

ZONING COMMISSION MEETING  
March 13, 2006

The Perrysburg Township Zoning Commission held a meeting on March 13, 2006. Jeff Schaller, Vice Chairman, called the meeting to order at 6:03 p.m. and welcomed all in attendance. A roll call was taken. Grant Garn, Zoning Inspector, was also present. The meeting was tape-recorded.

MEMBERS PRESENT: Jeff Schaller, Carol Warnimont, Arthur Rometo, Stephen J. Stanford, and Jeffrey Normand.

MEMBERS ABSENT: Robert S. Black and John J. Benavides.

APPROVAL OF AGENDA: Mr. Schaller asked for a motion approving the agenda. Mr. Garn said he needed to add an item at the very end, a small discussion about some of the park benches at Wexford. Mr. Schaller said they would pick that up as a last item then, and Mr. Garn said under other. Mr. Stanford moved with a second by Ms. Warnimont to approve the agenda as amended. A roll call vote was taken. Yes votes by Mr. Stanford, Ms. Warnimont, Mr. Rometo, Mr. Normand, and Mr. Schaller. Motion carried 5-0-0.

APPROVAL OF 2/13/06 MINUTES: Ms. Warnimont moved with a second by Mr. Normand to approve the minutes as written. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Normand, Mr. Rometo, and Mr. Schaller. Mr. Stanford abstained. Motion carried 4-0-1.

Mr. Schaller said as portions of this meeting are a public hearing this evening, he swore in all persons wishing to testify before the commission.

**ZONING CHANGE APPLICATION NUMBER ZC 2006-02, CONTINUATION OF THE 2/13/06 PUBLIC HEARING.** 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 Zoning Commission 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 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 Wood County Planning Commission met in regular session and recommended preliminary approval of the footprint with suggestions/conditions (letter attached).

Mr. Schaller said they reviewed this pretty extensively at the last meeting. He said at their February meeting there were a number of things that came up with respect to some engineering requirements of the project.

Nick Miller addressed the commission regarding this application. He indicated the same correction as he did at the last meeting, that Atwell-Hicks is just the civil engineering consultant for the project. This will be self-developed by Wal-Mart.

As mentioned, this is an amendment to the existing zoning. There was some discussion last time on what was previously approved. He did bring with him the original site plan that received commercial approval, and he wants to point out a few things about this previous plan because it was brought up. From there he would like to talk about some of the comments that were brought up at the last meeting. They have had two meetings since they had the last public hearing here, and both of those meetings were with the neighbors with the HRC representatives and also with the church. Prior to those meetings they made some revisions that were brought up at the last public hearing. They met with them, revised the plans again, and were able to resubmit the package that is before the commission this evening. Most of the comments that they felt were introduced last time were more site plan related than related to the amendment regarding the commercial aspect of this, but they were happy to get those comments. They hope they have amended the submittal to meet those questions that were asked before. Also at the church meeting that was open to the public at large, so they are grateful to everyone who commented on the project, not only at the last public meeting here, but during those other separate meetings that were held to move this project forward. They look forward to presenting those changes and hopefully seeking approval this evening.

First, as mentioned, he will talk briefly about the previous approved commercial zoning plan for the property. It was approved as three major buildings, a Super K, a proposed retail at 75,000 square feet, and a proposed Kohl's, and this was a total of around 304,000 square feet. Also these buildings are much closer to the property lines than what they are proposing with the major change to the commercial zoning here.

With that he will move into some of the topics that were discussed at the last meeting. Feel free to interrupt him and ask questions while he is making this presentation. There were three items highlighted as questions. The first one is landscaping. Per their requirements, there is a buffer area that is required along neighbors with different zonings. They have met with both neighbors, HRC to the west, and also the church to

the north. Primarily the discussions and comments revolved around landscaping. The ordinance requires a buffer strip which is provided. A lot of the details that were discussed were about what to plant in that buffer strip and how it's going to look. They have come up with a scenario that they hope meets the requirements of both neighbors, and that is a berm that is varying in height and width approximately 30 to 40 feet in width with a height ranging from 4 to 6 feet. On top of that berm they have selected a mix of conifers in varying heights and sizes, and then on the inside of that closer to the parking lot there are some deciduous trees. That theme runs throughout on the berm. Originally they proposed this berm to match the parking lot. They have since extended that to run all the way up to the corner and back over to Simmons Road. In addition to these items there is a fence. They have not worked out the details yet, but they will provide that for a site plan review comment on the exact type of fence. A screening or kind of an enhancement to how this berm looks will be provided, and right now they are looking at something 4 to 6 feet in height, and that will also have the same parameters as the berm up the westerly property line and across on the northerly property line. If there are any questions on landscaping, he would be glad to answer those. If not, he will move forward and answer the questions at the end. The landscaping will be irrigated, and also Wal-Mart holds its landscapers to ensure that the landscaping is guaranteed for 1 year.

Storm water was brought up. There were some flooding concerns not on the proposed parcel, but on neighboring parcels, and he will take a second to illustrate the drainage district that the site is in and talk a little bit about the dynamics of the storm water. The orange area is the proposed parcel, and the current plan is to take all the proposed storm water and drain it to a detention pond in the rear of the site. He was corrected a little earlier this evening. Originally he mentioned last time that a portion of that pond would be wet. In order to make that wet, it has to be a depth of 12 foot with aeration for retention, or for a combination of retention and detention. If they go to detention it will be a dry bottom, and it will drain out after 24, 48 hours. So that's more of a detailed site plan review. It's not going to affect their layout. They either make the pond deeper or keep it shallow. Right now it's designed for a 5 foot depth with a chain link fence around it just for safety so it does not become an attractive nuisance, an ice skating rink in the winter, or something like that. There were some questions about flooding not on this parcel, but on neighboring parcels he believes to the south around 20. Everything highlighted by the pink area is part of a drainage district, a watershed that goes into Grassy Creek, and then the orange, the proposed parcel, is part of Dry Creek. As they can see, this parcel, everything kind of drains to the northeast. This parcel is kind of at the very headwater of that Dry Creek. Right now everything they are doing, hopefully, since they all drain into Dry Creek, should not have any impact on Grassy Creek. So he brought this watershed map to illustrate what they plan on doing there.

The third major point he had that was brought up was the improvements to Simmons Road, the Route 20 improvement, and just overall traffic. They have hired a traffic

consultant, and they are present this evening. They can talk to the commission about the detailed engineering questions. Currently that report has been submitted to ODOT, and they will get a copy to the township. Right now the current site plan which is proposing right-in/right-out on Route 20 will meet ODOT criteria. There were also some questions about the improvements to Simmons Road. Currently the plan is to improve Simmons Road within the existing road right-of-way to the west, expand the existing road right-of-way to the west, and improve it limitedly to the existing road right-of-way on the Meijer or the east side of the site. And ultimately those improvements will taper down and get back to the original geometry of Simmons Road about 200 to 300 feet before you get to the Deiming Road intersection. There were also some questions raised about whether or not an interior signal would be required, and here at this point with the commercial drive approach on to the proposed public roadway, and at this point there is just not enough volumes to warrant a signal at that location. They did place a note on there that the traffic control devices will meet county and township standards, however. Perhaps at a minimum there would be just a commercial, some traffic control devices, and then in greater detail, if warranted, maybe some stop signs. But at this point there is just not enough volume to warrant a signal there.

He knows that was kind of quick and a lot said, and he is not the clearest to understand, but he hopes he made some of those points that were raised last time understandable to the commission, And he appreciates that they are into some of these very detailed and what they consider site plan questions, but it's important to answer those at any time in the process. He hopes they have done that. And hopefully they can find this acceptable from a major amendment to the zoning from what was previously introduced as a commercial to this revised commercial layout.

Mr. Schaller had a couple of questions. The improvement to Simmons Road to work within the right-of-way that is there both on the east and west boundaries, what does that offer in the way of improvements. Does that make that three lanes or four through there, or what would he anticipate. Mr. Miller responded saying they would anticipate that from where Meijer exits to the north the right-of-way would have to be expanded on the Wal-Mart side in order to fit in the proposed changes. That would involve a through lane, and a turn lane, and a decel lane. So it would be tapering down from what he believes is four lanes down to three, and then back down to two again as you head north. Mr. Schaller said the only way they would be able to do that is if they are going to the west side of the road and just have a jog in the road. Mr. Miller said it would be a very slight alignment change. In order to do that, they would just donate the right-of-way from the Wal-Mart parcel to make up for that. And you would get back on to the existing Simmons Road alignment as you go north.

Mr. Schaller said the resolution on the west boarder of the property against HRC's property, does he understand that that is kind of an agreement that they have worked out with them with their input on it, and Mr. Miller said yes, they have had a meeting

with the representatives of HRC, and they talked about the improvements. They came back with some improvements from when they left this meeting. They met with them, talked about some more details about the type of plantings they wanted to see, talked about the berm and the length of that. They have extended it, and they have modified some plantings. They have introduced a fence as well per their recommendations. As far as a little more detail, they got into some site plan issues about an access point so if someone did want to walk from manor care to the Wal-Mart, there would be a sidewalk path along with a little cart storage area on the Wal-Mart parcel to accommodate someone who did not want to get in the car and drive all the way around. On a nice day they could walk over there. Mr. Normand said this is something that HCR agreed to as far as the access, and Wal-Mart is fine with that, and Mr. Miller said yes. Mr. Schaller said they would get some input on that from them.

Mr. Schaller asked the members if they had any questions for Mr. Miller. Somebody wanted to hear from the HRC people. Mr. Schaller said he was curious about their comments that they expressed at the previous meeting.

Kathleen Perry addressed the commission regarding this application. Sara Louk was present with her. Ms. Perry said last month when she was here, she did bring up concerns about the lighting, what the berm was going to look like, the traffic patterns. They did meet with representatives from Wal-Mart, At-Well Hicks, their marketing representatives a couple of weeks ago. They did have their legal representative at the meeting as well. They did agree with the shrubbery that would be planted as well as the height of the berm. They did ask for the extension to go to the back of the building so there would be a boarder between their property as well as that back retention/detention pond. They asked for a split rail, two-rail fence to prevent any of the residents from trying to go through the shrubbery to get to the facility or from Wal-Mart. They did ask for the sidewalk from their property to the Wal-Mart property which would be in front of their pharmacy. They are also asking for some type of stop sign or crosswalk in their road to alert that there may be people walking across that area. They wanted that concrete to allow the residents to walk freely. They did suggest the corral for their carts so they did not come on to their property for convenience to their residents.

Sara Louk said they addressed the lighting situation and how that would now affect their buildings.

Ms. Perry said both the HC manor care facilities as well as Wal-Mart, they still are looking at the safety prospective with the traffic flow. They would love to be able to see a light, because turning off into their property taking a left there, with the Wal-Mart traffic coming from the right, they still, both Wal-Mart and the HC manor care facility, see that as a concern. They are trying to work together on options, but it's ultimately going to be up to ODOT.

Mr. Schaller said the people from the church were present at the previous meeting, and he wondered if they were present this evening. There were none present.

Mr. Schaller said as this process proceeds, what they are looking for this evening is approve the PUD, and Wal-Mart will still have the responsibility to come back and review for a final site plan review once that engineering is complete. Mr. Garn said he did not know whether part of the motion should be because they are working on changing the entrance that is shown on the drawing of where it comes out on to Route 20, so whether they would have to come back for that again or not as a major/minor, or did they want to approve that as a possible alternative entrance. It's not on the drawing, but he believes what they are talking about is just moving that proposed public road right near their property line to the west and tying it in with HCR, he guesses is what their proposal is from both groups, but it's not shown on the drawing.

Mr. Miller said they did not want to be presumptuous and put something down that they were not sure if ODOT would approve or not. This road kind of doglegs if you are coming from east to west, and right now it then comes perpendicular into Route 20. What would ultimately favor both HRC and this parcel is if this extended slightly farther west and then turned in to line up with the public street to the south. He does not know the name of it. Mr. Garn said Oakmead Drive. Mr. Miller said that's the spot where the traffic study recommends that a signal would work. It would require a variance. It does not meet the minimum distance back to the signal to the Holiday Inn, but given the current scenario, they think it would be a safer situation. That's ultimately what they are proposing. If they are willing, they would be glad to accept that that would be approved this evening. Their current plan was to come back hopefully with good news and ask for a minor amendment to the PUD, but he thinks it cleans things up if that gets included in their motion this evening.

Mr. Schaller said if it can't be moved, it stays in the current location, or is it eliminated. Mr. Miller said it stays in the current location as a right-in/right-out. Mr. Schaller said as opposed to being moved, and then they would have the traffic signal there for traffic in both directions. Mr. Miller said correct.

Mr. Schaller asked if there was a motion to approve the PUD-MX with the opportunity to revise the entrance into the facility located further to the west, and at that time that would be addressed as a minor revision, and he asked Mr. Garn if that was right. Mr. Garn said they would have to come back in, and it would have to be determined by them whether it's a major or minor. He does not know whether that can be approved now or not. Mr. Normand said they don't have it submitted to them. Mr. Garn said right, so they can't approve it. They can only approve what they see. Mr. Schaller said at that time it would be submitted for further evaluation on a minor or major change. He does not know if that motion is clear or not. Ms. Warnimont so moved with a second by Mr. Rometo. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Rometo, Mr. Normand, Mr. Stanford, and Mr. Schaller. Motion carried 5-0-0.

Mr. Schaller told Mr. Smith that they have a portion of this meeting that is a public hearing after these first two agenda items, and he will have an opportunity at that time.

**ZONING CHANGE APPLICATION NUMBER ZC 2005-05, continuation of the 1/9/06 and 2/13/06 public hearings.** 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).

Leonard Michaels addressed the commission regarding this application. He informed the commission that they rectified their issues that were brought up last time. They do have a letter from Feller Finch stating that the applicant has addressed all of our comments on February 13, and they recommend final submittal and final approval. Also they obtained the services of Poggemeyer Design Group to do a traffic study that was required by Feller Finch. The study was done, and it was distributed to them.

He would like to point out density and water coverage requirements, the regulations from the township zoning. He read item number 5. He said they are providing a wet pond that is approximately, depending on the water levels, and during normal water levels it will be .82 acres of water surface, and during high water levels will be .93 acres. He read the next item from the code. He said his client has an option for 4.2 acres of a wetland that is right here that will not be developed, it will be left in its natural state. Also if you look at the last package they submitted, they addressed the concerns of Feller Finch about doing extensive landscaping. They placed landscaping material along the backyards of the residents of Wyandot Place, and they further placed landscaping material around the whole site. So at this point if the commission has any questions, he would be more than happy to answer them.

Mr. Schaller said they have the option on the property on the north side of the complex, and Mr. Michaels said correct. Mr. Schaller said as an option, is that, in fact, included as part of this. Mr. Michaels said it is included for the purpose of calculating the density. If they pass this tonight, it can be made a condition of the approval. Mr. Normand asked what the density is with the option plan. Mr. Michaels said with the option plan it's 4.6. And if they are to provide one of those items according to the zoning regulation, it could be increased up to two. Mr. Normand asked what it was without the option plan. Mr. Michaels said he believes it was 5.3 or 5.4. Also they don't have 165 units, they have 163 units. The request from WC was to make it a full-blown roadway. They had to center it along the driveways, and that caused them to eliminate two units.

Mr. Schaller asked Mr. Garn what they specifically need to do this evening with this property. Mr. Garn said they specifically need to complete the footprint part of it. They already passed it as a PUD. They need to complete that section and make some determination. He put in their packets copies of the minutes, the statement in there. They wanted to go over the recommendations of the WCPC, the six items, plus the legal document, and he has given them a copy of the document that was provided to them. Mr. Schaller said the legal document with respect to the restrictions. Mr. Schaller said their attorney provided them that. And those six items, they asked that that be one of those six items. He asked Mr. Garn if he had those. Mr. Garn said the five of them, and he read them. He said they added the legal.

Mr. Schaller said to Mr. Michaels that they have not done anything with the density other than with the potential of the option. Mr. Michaels said it is a reality, and they did drop out two units. Mr. Schaller said two units, and Mr. Michaels said yes. Mr. Schaller said the traffic study concluded that no improvements were needed to Simmons Road. Mr. Michaels said no improvements are necessary, and that particular study is done to the standard of ODOT.

Mr. Normand asked if the additional parking spaces were addressed. Mr. Michaels said it was clarified, and he believes he provided a list. If they will look at the first page, site data, it describes parking and so on and so forth. Mr. Normand asked what he was reading here, and he read it. Mr. Michaels said right, and he said provided 134 spaces, and that's for multi-family units. And they are providing 8 handicapped spaces.

Mr. Schaller asked if there were any other questions from the members. He asked if there was a motion to approve the footprint as submitted. Ms. Warnimont asked Mr. Schaller if this is actually going to be opened all the way to Wyandot. That's not just a gate across there for emergency purposes, they are opening that completely, and is that true. Mr. Michaels said at this point they put a gate because there was a conflicting issue there. He does not remember whether it was WC or the township, but somebody suggested to have it as an emergency access, and somebody suggested to have it as a full access. What they tried to do was to satisfy both of those

requirements. They show a full access road with the gate on it. During the final site plan review he is pretty sure at that point they will come to an agreement which way it will have to be. But because of this full access, they already took out two units, and that's what they show.

Mr. Schaller asked if they have a motion. Mr. Rometo moved approval with the additional purchase of the land to the north. Mr. Schaller said contingent upon the purchase of the 4.2 acres to the north. Mr. Normand was the second on the motion. A roll call vote was taken. Yes votes by Mr. Rometo, Mr. Normand, Mr. Stanford, and Ms. Warnimont. No vote by Mr. Schaller. Motion carried 4-1-0.

Mr. Schaller said at this juncture on their agenda they have comments open from the public pertaining to ZC business.

Don Smith addressed the commission. He said the only problem he has with this process is these people are all gone, and this is a very important issue for the members. He was showing 40 feet for the berming towards the rest area, the rest home. You can't put 40 feet with a three to one berm. This is why he wanted to speak. If you figure out a three to one berm, berming in their own book has to be three to one. If you take a 6 foot berm, that's 18 feet on one side. Two sides are 36 feet. If he is talking 40 feet, what does he have left to plant anything on top of this berm. This is why he is saying it's nice to be able to comment at the time that the meeting is going on, because it's important for the members to realize that this is in the book at three to one slopes. Mr. Schaller said yes it is, and he appreciates the feedback. They do have to come back for site plan approval, so that's something that they can verify that they meet their requirements when they go through that process. Mr. Smith said he did want to bring it to their attention so when this does come back, they look into this. Because you can't plant something with three to one because you cannot mow a two to one. Mr. Schaller said that's why they have those requirements.

Mr. Smith said the other issue is he was the one that brought it up to them about the retention pond. The last time they had a retention pond on that particular drawing. This time they came in, and they had a detention pond. But the book says in here what a wet and dry pond is like he was talking. It said they cannot do that because the book says you have to have 12 foot depth on a wet pond. He said he was only going to go five. You can't do that. It's under Article VII in the book that states about the depth. And this other gentleman got up with this other one, too. It states in there under Article VII, he thinks it's page 24, if they will look, it gives the depth of the ponds and so forth. Mr. Schaller said again, that is through final engineering when they submit that. That's when that information will be reviewed by their engineering consultants to make sure that they are complying with their requirements.

Mr. Smith said they have engineering consultants now to do this thing, because before they didn't have this. Now they are going to get into this with engineering consultants

and so forth. This is a new process, and that is something that he is not familiar with. Like this meeting this evening. Before they used to be able to give some comment as these issues were brought up. Mr. Schaller told him it was a continuation of the previous meeting, and the previous meeting had the public comment. They took public comments for those two agenda items at the previous meeting. That's why the meeting was handled the way it was this evening. And if he had been participating in these meetings, on the owner's behalf, the applicant is paying for the ZC's engineering consultant to review that they are complying with the zoning ordinance. That's a process they have been following for some time. Mr. Smith said he did not realize this. This is something that is just coming into being. Mr. Schaller said come to the meetings, and he will observe that. Mr. Smith said it's a very important issue that he wants them to look into, because you cannot plant something there. That's why it's nice to be able to bring these things up when they are commenting on them right then and now so they can comment on them. That's just like that pond. That gentleman did not realize when he put detention pond there from retention that he was violating the rules of the book. He does not make the rules, the commission does.

Charles Foster addressed the commission. He said he understands they are getting a Wal-Mart here. He understands this is Perrysburg Township. He understands for all this building and everything, either Rossford is going to come in or Perrysburg is going to come in and say, no, we can do a better job than you all can, and they are going to annex it. Mr. Schaller said they can't comment on that. Mr. Foster said it's something to think about, and he thinks farmland is more important than a Wal-Mart. Some day you will eat the corn rather than cotton candy. And they have enough other places around to shop. They have a glutten actually of places to shop in Perrysburg and Perrysburg Township. There is no feasible reason even to have one.

Mark Lajoie addressed the commission. He said he is curious. Like the last applicant that was approved, what is the criteria that they use for the PUD and that density. Do they have meetings. They can't have meetings without the public meeting, and wondered if that was correct. He wondered if they discussed that among themselves or not. He said Mr. Schaller voted no and everybody else voted yes. He didn't get a lot of questions and did not hear a lot of questions in the last couple of meetings. He noticed the week after the last meeting the city, they want to pass an ordinance not to allow big box stores for the Wal-Mart. Sometimes it looks like their compass is off here, but he does not even know, so can they state how they can do this. The PUD, is that a way just to get around the density. He does not understand how they use that. Because he had a parcel of land that was in his neighborhood that he didn't like, and a lot of other people did not like it, and they got it voted no. But this is even denser on the other side of town. He does not understand the rhyme or reason. He asked Mr. Schaller if he knows or can he speak on behalf of the board here.

Mr. Schaller said he does not know if he wants to speak in real specific details, but the PUD process is outlined in their zoning resolution that they all, everybody, at least

township residents here had an opportunity to participate in and to effect how that read. These folks are working within those guidelines and coming to them and presenting that. And if he has concerns and issues with things like density or other matters, that's his opportunity to speak when that is being developed, and he guesses as it's being modified from time to time. He thinks the PUD does give the commission opportunities to approve a final site plan as opposed to just a zoning change which is what he thinks he is referring to otherwise.

Mr. Lajoie said the last applicant, that was a zoning change for the independent living with the PUD. Mr. Schaller said it was changed to a PUD. Mr. Lajoie said he does not understand. He wants them all to be on the same side. They read the same stuff that the citizens read, too. He said sometimes you can use the PUD to kind of circumvent what an R-1, R-2, R-3 would be. Sometimes by doing that they don't have to approve it. He kind of subscribes with Mr. Smith. He wished they would have let them talk. Not that it would change it. He understands their rationale for it. But what he does not like to do is he does not like to have the owners have a word without the citizens also. Because they are gone. They could care less. They got what they wanted. Like he told them before, he can't be at every meeting. He wishes he could be, but he wants them to be here for the citizens. They can't agree on everything, but he wants the members to think about that. He said before, if you turn it down, they are going to come back because it's a great community. They are not blind to that fact. He does not want these people to kind of circumvent the PUD and get something that he can't understand how they get it. It's just food for thought.

Mr. Schaller asked if there were any other public comments, and there were none.

**SITE PLAN REVIEW FOR TACO BELL, SPR-2006-01.** Perrysburg Restaurants, Inc., owns the Taco Bell restaurant located at 27171 Oakmead Drive. They are planning on tearing down the structure and rebuilding on the same spot. An independent engineering firm has reviewed their submission for compliance, and a copy of their findings are attached.

Paul Schmelzer addressed the commission regarding this site plan review. He said he is here to answer any questions they might have. Mr. Schaller asked Mr. Garn if there were any comments as far as the review goes.

Mr. Garn said they are in the packet. There were comments, but there is one on there, that they are applying to the BZA about number 7 on there. It was asked if Mr. Garn was talking about the comments from March 6<sup>th</sup>, and Mr. Garn said yes. Mr. Schmelzer said he would address those if they wanted him to. Mr. Garn thought that would be good to address those comments.

Mr. Schmelzer said they had conceptually brought this in briefly after the last public hearing and talked about it for a couple of seconds. There were a couple of issues that

they thought they might have with this site. One was their landscaping, and the second was the signage. Item number 7 in the comments discusses this landscape strip. In talking with the consultant and Mr. Garn, essentially what they don't meet is the 10 foot requirement in this area right here. It's about eight plus a couple inches. That's from the right-of-way to their face of curb. They have chosen to leave it just so they don't have to demo the concrete curb and disturb the integrity of the parking lot. That's one of the items they have requested and already placed themselves on the agenda for the BZA. That's the discussion of item number 7 in the comments from March 6<sup>th</sup>. He is not sure if Mr. Garn got a copy of it, but it was after the consultant to see if he had examined their revised plans. And in his response to him he said that yes, we have, and these two items, one, the landscape strip and the signage, are kind of the items that need to be addressed by BZA. All the other comments that were given to them have been addressed.

Mr. Schaller said by have been addressed, have they been formally submitted as a response to the March 6<sup>th</sup> letter then. Mr. Schmelzer said correct, they received the comments on March 6<sup>th</sup>, and he believes on March 8<sup>th</sup> they resubmitted to both Mr. Garn and the consultant. The comments, there was a lot of things like put the developer's fax number on and things like that. There was not anything that really caused them heartburn, so they were able to turn the comments around pretty quickly.

Mr. Schaller asked Mr. Garn if he had any comments and if they were complying with the requirements of Feller Finch. Mr. Garn said yes, they have. They may have some additional things coming from the city which might be a little different. The city always seems to like sidewalks everywhere. Mr. Schmelzer said one of the things they were told that they would automatically get from the city was a landscaping requirement that would require trees to be planted in the right-of-way. Then they would have to put a comment on the plans that says they are not supposed to plant those trees until after they are annexed. So there are some things like that that they are sure they are going to run into from the city's perspective. As far as they know, and in his conversation with Mr. Kuhn from Feller Finch, they have addressed all the comments. He brought a copy of his E-mail. He is not sure if they want that entered into the record or not. It is basically saying that they did address those comments. Mr. Garn asked if he had a copy of that. Mr. Schmelzer said he had a copy, and he can give it to them. He said Mr. Kuhn indicated that he was going to give them the same thing. Mr. Garn said he would make copies for everyone.

Mr. Schaller asked if there were any questions from the members. He then asked what their timing was for the project, and Mr. Schmelzer said yesterday. He thinks as soon as they get their zoning permit they are going to start demolition. Mr. Schaller said with the idea that they still have to address those issues with the BZA, and Mr. Schmelzer said they are on the agenda on the 21<sup>st</sup> already. They just anticipated, going through the code, what their issues were going to be. And because of the tight time line, they put all the documents together and applied for that agenda on the 21<sup>st</sup>,

which is the same night as Perrysburg's final council meeting for utility extension, which is why they are going, water and sewer.

Mr. Schaller asked if he had a motion for site plan approval for the Taco Bell with the following stipulations, contingent upon BZA approval of the landscaping and signage, and contingent upon the city's approval. Ms. Warnimont said she would so move with a second by Mr. Normand. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Normand, Mr. Rometo, Mr. Stanford, and Mr. Schaller. Motion carried 5-0-0.

**INFORMAL REVIEW OF PERRYSBURG HEIGHTS COMMUNITY CENTER.** The Perrysburg Heights Community Center of 12282 Jefferson Street is planning on building a major addition to the building.

Adam Krall addressed the commission regarding this informal review. Mr. Schaller asked him to walk through what their plans are. Mr. Krall said Perrysburg Heights has been working. They had their little community center on Jefferson Street, and it's the stoplight where Levis Commons is. Right now they want to put, and the drawings show, an 11,000 square foot gymnasium, and toilet rooms, and a teen room, and the connecting link is going to be the director's office, and then a little bit of remodeling of what they have now. It's been in the planning, and he thinks he did a drawing for them 5 years ago, so they have been raising money. Now they are getting a grant from BGSU. It's a pre-engineered building with block and brick to match what they have. It's attached. The parking, they are going to redo the parking lot that's coming apart a little bit. They are showing additional parking shown in two phases. The immediate concern is to get the place opened for kids, and then their long-term goal is to have something that can be rented out, and they will add the parking that they really need.

Paul Belazis addressed the commission regarding this informal review. He is a member of the board of trustees with the Perrysburg Heights Association, and there are one or two others present. This is going to be before them as part of their formal review process. The reason they came this evening, they wanted to see if they had any questions or just anything that they should be looking at as they finalize their plans. They wanted to informally show them what they were doing and kind of get the ball rolling. The primary purpose in coming this evening is to have the big picture and see if there were any preliminary questions for Mr. Krall or any of the rest of them. As Mr. Krall said, they have been working on this community center providing a number and variety of programs for kids and families for many years. It includes an after-school tutoring program. Right now the YMCA is doing most of the programming for them. They have staff there. The gym has been in the planning for about 10 years. They started actively trying to raise money about 4 or 5 years ago. They are getting pretty close to meeting their objective. They had planned to raise 1.8 million, and they are at about 1.3. They have enough to get going on the gym part of it as a result of a capital improvement grant that they got from the State of Ohio, and that put them over the

top and allowed them to actively begin the drawings and going through this process. That's about it. They just wanted to throw it in front of them and see if they had any questions, and see if they had any thoughts, and then they will be back probably at the next meeting.

Mr. Schaller asked Mr. Garn if he saw any challenges or hurdles to get over there. Mr. Garn said probably some of the hurdles is mainly work with the architect, and then there is other landscaping and other things that will be evidently added on to the building that are part of the project, lighting, all the usual things that go with site plan review. He knows they have submitted the plans today to have them sent to the engineer. He has not looked at anything yet. He will be taking it over tomorrow. Mr. Belazis said they don't know if they have the lighting in the initial plans. Mr. Garn said there are different things. They have been working on a shoestring, he thinks, and there are different areas that will be coming up that are all part of their process. It's shown on that checklist the things that need to be done.

Mr. Belazis said just in talking informally with Mr. Garn, he thinks those will be the main issues that arise, parking. The size of the building is probably not going to reflect the number of people that are there at any given time, so there will be issues on how many parking spaces they need to have. Maybe some landscaping issues that arise. Most of the land surrounding the building has been used as a park, 6 acres total, that were accumulated over a series of years largely through CDBG grants that they got from the county, and it would be developed as a park. They have soccer and baseball, basketball. So the landscaping issues may be a little bit different as they go through the process because it's used as a park. But that's another issue that may come up. Of course, the lighting issues. Those are the ones they identified when they met with Mr. Garn.

Mr. Normand had a question, and this typically comes up in most of these hearings. They probably heard it this evening. Do they have any drainage issues, any challenges. They are taking a site that they have said has been park land, and they are paving it and putting up 11,000 square feet. Do they see retention or detention, one way or the other. Or they think it's all on there. A question was asked, is it in the parking lot. The response was there is a grass swale, the two areas, the parking. Mr. Normand said but they don't have any major challenges that way that they are struggling to meet, and they know where the water is going to in terms of the drainage areas, and the response was yes. Mr. Belazis said he knows absolutely nothing about drainage. When he was listening to Mr. Krall and his colleague talking to Mr. Garn about it, it sounded like they were doing it pretty much by the book as far as the drainage and where the water would go. Mr. Schaller asked if there were storm sewers in the heights, and Mr. Garn said he hopes.

Ms. Warnimont had a question on the building with the parking, they were talking about possibly renting it out, like for what. Have they considered it enough that there is

enough parking to rent it out for weddings. Mr. Belazis said the primary purpose of the building would be to serve the kids for whom they are providing programming. From time to time it's been used as a community center, so there might be a wedding there, there might be something of that nature, but they have always been pretty small events and largely related to the use of the immediate surrounding community. As far as other kinds of events, he can't tell them to what extent that's going to be part of the program, because largely the main purpose of it is going to be to serve the kids and families for educational and the kinds of programming they have been doing. Ms. Warnimont asked about storage inside the gym, is there storage provided for whatever it is for a gym that needs to be stored. The response was yes, there is. Ms. Warnimont asked where that was going to be located. It's this corner, and it's actually a pretty big storage room. Ms. Warnimont just wanted to have an idea. Mr. Belazis said there is also a little outdoor outside the center that they use for storage for the last few years.

**INFORMAL REVIEW OF WHISPERING WINDS.** Miller Diversified would like to discuss their proposal to rezone the 40 acres at the northwest corner of Thompson and Neiderhouse Roads.

Kurt Miller addressed the commission regarding this informal review. He asked Mr. Garn if he had drawings, and Mr. Garn said they have copies of drawings here. Mr. Miller just wanted to make sure. This is basically a revised resubmittal from last year. As they know, they got a no vote on a combination R-2/R-3 on Thompson/Neiderhouse Roads. The feedback that he got from several people after the meeting, he tried to address some of these issues. He met with various people from township trustees to members of the WCPC and Northwest Sewer and Water District, and basically what they have done is incorporated some of their suggestions, the main one being from the zoning that instead of the R-3 on the site, they do an R-1 around the perimeter of the site for buffering from the neighboring lots, which is basically approximately 11 acres of the 41 is going to be R-1. One of the questions, what would happen with the sanitary sewer, they worked out with Northwest Sewer and Water District that they would run that sewer as a gravity sewer from Eckel Junction going down to the property. That's it kind of in a nutshell. Mr. Garn and he have talked several times, and he thought it was best to have an informal hearing and get input from them what needs to be done to make revisions with their input, and thus the meeting this evening.

Mr. Schaller asked how the density compares with the revisions that he has made compared to what he had before. Mr. Miller said the overall density does not change a whole lot. It's about 2 lots less than what it was before, so it's not a big change in the overall density. Mr. Schaller asked if previously he had some green space or something along Thompson Road. Mr. Miller said that's correct, there still would be green space in their ultimate preliminary drawing along Thompson Road. Part of the concern, at least the feedback that they were provided, was there would still be the ability. With the zoning, as they know, there is no requirement that that would absolutely have to be green space. That green space or open space could be moved somewhere else in the

development, and the concern was they could do smaller lots along Thompson Road. So by doing the R-1 along Thompson and Neiderhouse, if they were to fall off the face of the earth or change their mind or whatever, they would still be required to meet the requirements of the R-1 along those roads. Mr. Schaller asked if he anticipated entrances, because he does not show any plan at this point in time, but entrances on both Thompson and Neiderhouse, and Mr. Miller said that's correct. Mr. Schaller said he was just curious, would he anticipate any improvements along Thompson Road with respect to the ditch or anything like that. Mr. Miller said yes, when meeting with the township, they said that they would be willing to fill in the ditch and widen Thompson Road, if necessary, and it was thought that it probably would be necessary. They said they would be willing to do that. That was actually one of the questions that he got from Wood County from the commissioners, and he told them the same thing, that they would be willing to do that. Mr. Schaller said a little challenge on their part, if he widens the road for that section, what do they do with the other area. Mr. Miller said you have the next section down. Mr. Schaller said especially when you get further north, there are single-family homes there. He guesses that's for the trustees to sort out.

Mr. Normand said he was not here for the original submittal, but what's the underlying zoning currently, and Mr. Miller said it's currently agricultural. Mr. Normand said the plan is obviously R-1 and R-3. Is it agricultural to the north and to the west. Mr. Miller said yes is the short answer. There is to the northwest. It's a PUD, but basically a similar density to R-3. Other than that, the surrounding area is pretty much agriculture. He brought a preliminary site plan if that does any good. If they want to see that, he can put that up. Mr. Schaller suggested that he work with some of his neighbors which are in the audience this evening, not necessarily at this meeting, but on the side. He asked Mr. Smith if there was something specific.

Mr. Smith addressed the commission regarding this informal review. He said this was turned down before. They do not have any way to get water and sewer there with the right-of-way. They have not even spoken to him. They spoke once with the neighbors. They all refused him for water and sewer. The only way that water and sewer is going south is under a public works, and you can't have anything going south without inviting the whole public at a meeting to get water or sewer under a public works. He has already checked into this. Mr. Schaller said he appreciates his comments, and it will be Mr. Miller's responsibility to come up with a solution, and he is working with the water and sewer district. He has a letter to do that. Mr. Smith asked where are they going to put this sewer is what he is looking at, and the water. Because they don't have an easement. Where are they going to get their easements. He can't go on the east side because there is not enough room between the tile and roadway anymore because they just cut down 2 and a half feet widening that road for an easement also. So it's not big enough for the roadway, and there is not enough room between that and the roadway to get any utilities whatsoever. His easement goes right in there, and he would say right now within 12 foot of the roadway. Mr. Schaller said he would agree, and it's up

to Mr. Miller to work with whatever public or private entities to solve that solution. If he can't solve the solution, he will be in the same situation he was previously.

Mr. Miller wanted to confirm that he has met with the Northwest Water and Sewer District, and the question last time that he couldn't answer was whether it was going to be a forced main or gravity, one or the other. Northwest Sewer and Water District said it's going to be a gravity sewer, and if need be, they will do the project. Mr. Garn was actually in one of the meetings that Mr. Greiner was at with him, and they said they want that sewer extended whether or not this project goes, and they plan on working that way again. He has a memo from the Northwest Sewer and Water District to that effect. Mr. Smith said he has not heard anything about anything going south, because the water and sewer stops right beside of him, and that's as far as it goes. Mr. Schaller said to Mr. Smith that for his benefit, it may be best that he contact them. Mr. Smith said he has been in contact with them.

Mark Lajoie addressed the commission regarding this informal review. He said that comment that he said would be great. If Mr. Miller would just have a meeting with some of the neighbors. If he was not here this evening, he would not know about it. The last time he was not for it, but he said he would do it also. He didn't want it as dense. He does not know what it is, but since they live there, that makes a good corporate neighbor for Mr. Miller to come in there and talk to the neighbors right there. If they don't agree, they don't agree, but you give them a chance to try to work out their differences. That goes a long ways.

Mr. Schaller asked what his timing was at the moment. Mr. Miller said he would basically like to try to refer it down to the county. He can still meet with the neighbors and make provisions, if necessary, and get moving on it.

Mr. Schaller said the additional item is the Wexford matter.

Mr. Garn said this is just a sketch that one of the owners of Wexford brought in, and he is on one of their committees, and they were proposing to put some benches in. And he can see by their drawing, which was dropped off this afternoon, that they were proposing putting benches out in the public right-of-way, which is not something that would be allowed at all. But he was bringing this in as a possibility of being a major/minor change at some point to their PUD. Mr. Normand said this is or is not in the right-of-way. Mr. Garn said these benches they are showing on the other side of the sidewalk he is presuming is in the public right-of-way. Mr. Normand said he does not know how they can make any decision on this until they know exactly where they are putting them. Mr. Garn said right. Ms. Warnimont asked what is the problem of them coming on this side of the sidewalk closest to the pond. Mr. Garn said he is presuming that would be in their community area. He does not have a problem one way or the other other than it would be a change of their PUD since they are permanent benches. Mr. Schaller said he thought that would be something minor that

he could address. He can see why they would want to put them on that side, because otherwise they have to walk around the front of the bench, and they probably want to view the pond or something. Mr. Garn said that's something they may have to take up with the trustees to be able to do it. He believes it's a public road in there. He will have to double check on that. It's a private road. It's just a change in their PUD. Ms. Warnimont said if they go on this side of the sidewalk closest to the pond, they can do whatever they want. Mr. Garn said he does not think they can do whatever they want with them. It would be a change to the PUD. Remember the fences along for the next one how they approved where the fences were going to be. He can't remember the name of that next project. It's in the community area. Where they are showing the dwellings, that's where they were allowed to build their homes, and that's if they had their footprints. Now they are going beyond their footprint. There is a possibility in that other project they would be coming in, because they want to put he believes a privacy fence all the way along next to where the apartment complex is. There again, he can't determine whether it's a major or minor, but it is a change to their plans.

Mr. Schaller asked if there was anything else they needed to do there. Mr. Garn said nothing right now. He will get back in contact with them and see, and he will talk to the trustees now that he sees what the plans look like. Before it was just verbal over the phone.

Mr. Schaller asked if there were any other items, and there were none. He asked if there was a motion to adjourn. Ms. Warnimont moved with a second by Mr. Normand to adjourn. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Normand, Mr. Rometo, Mr. Stanford, and Mr. Schaller. Motion carried 5-0-0. The meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Grant W. Garn,  
Recording Secretary