

PERRYSBURG TOWNSHIP ZONING COMMISSION

26609 Lime City Road
Perrysburg, OH 43551

ZONING COMMISSION MEETING

March 9, 2009

The Perrysburg Township Zoning Commission held a meeting on March 9, 2009. Robert S. Black, Chairman, called the meeting to order at 6:00 p.m., said good evening, and welcomed all in attendance to the meeting. A roll call was taken. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded.

MEMBERS PRESENT: Robert S. Black, Jeff Schaller, Carol Warnimont, John J. Benavides, and Ronald M. Hanna.

MEMBERS ABSENT: Jeffrey Normand.

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

APPROVAL OF THE MINUTES OF THE 2/9/09 MEETING: Mr. Black said to Mr. Garn that as he understands it, they have no meeting minutes of the February 9th meeting, and Mr. Garn said correct. Mr. Black said they will defer that to their next meeting.

Mr. Black asked if there was anyone out in the audience that is here for a non agenda item that would like to speak to the ZC, and there was no one present that did.

CREEK SIDE VILLAS OF PERRYSBURG PUD, Informal Review. Tim Burns of Grassy Creek Developers, LLC, and Leonard L. Michaels, PE, of CWI Engineering would like to get some feedback on their conceptual idea of making a major change to the PUD. They are proposing of going from 88 units in 2 and 4 unit buildings to a 78 unit building. The 70 unit building would remain the same. Your comments will be appreciated.

Tim Burns addressed the commission regarding this informal review. Mr. Black asked if the microphone was on, and Mr. Garn said yes. Mr. Black said it is, and Mr. Garn said right. It's on.

Mr. Burns said what they are asking to do at this point in time, and part of it has to do with the market and the economy that they are in. The original layout of the property, and he asked if he could go up to the board. Mr. Black said yes, he may. Mr. Burns continued saying the original layout of the property had this building, and there is a

creek line. This is Grassy Creek right here. Everything on the east side of Grassy Creek, he thinks there were two building units. And then this private drive gets in here, was a little bit more centered, and it did not come over, and there were single family villas on both sides. Basically the residential market is not allowing to even considering a project like that right now in the Toledo area. Most of America, but definitely in the Toledo area. And so what they looked at, and they still believe in their project. It is what they could do from a density view as well as a practical view keeping in mind green space and appearance, neighbors, stuff like that affecting the areas, is essentially duplicating the second building, would turn it so the entrance is now toward the front so it's more appealing. But also keeping the other one that way, they are thinking maybe this area in the front will become fountain like that, so each one of them kind of have an attractive entrance for the tenants. Still adult independent. Both of the buildings would be adult independent. He guesses that's pretty much the gist of it.

Mr. Black asked him if he was proposing the other entrance, the private drive to the south, and Mr. Burns said he does not recall where that exactly ended up. Mr. Black asked if that was going to be a regular entrance. Mr. Burns continued saying whether they were making it full access, or whether they were accessing it with a gate, he honestly can't recall. Mr. Black asked if he was proposing to do anything different, and Mr. Burns said nothing different to it. Mr. Black said okay. That was his point. Whatever he had proposed. Mr. Burns said whatever the result they had before.

He knows Mr. Michaels has that. He was going to be here, and he is not sure where he is. Mr. Black said that's why they had them on the agenda first, because he said he could make it at the beginning. Mr. Burns said yeah, and he thinks he had something else. Maybe he just ran out of time. Mr. Black said okay.

Mr. Burns said but as far as no changes to that in any way. He was kind of open to whatever. He said most of that came down to fire, EMS, and police as far as what the preference was. He did not really have a plus or a minus to it. Mr. Black said because that drive connects to a road that comes out to a traffic signal; correct, and Mr. Burns said correct. But he thinks the intention was to give this, regardless, its own entrance so the traffic was not traveling down Wyandot. Wyandot is really not designed to handle that traffic, which they know. That's why there was such discussion as far as that private entrance. Mr. Black said right.

Mr. Black asked how does the density with this new proposal fit into the Perrysburg Township zoning regulations. Mr. Garn said he has not even looked at anything. This new proposed building is slightly less dense than all of the units combined. As he remembers, there were 80. Mr. Black said of all the single family, and Mr. Garn said single family. There were four family and two family. It was commented but the acreage is less, too, now. Mr. Burns said no, the total acreage stayed the same. It was commented, but he is not developing some of it. Mr. Burns said leaving more green space. Correct. It was commented that's if he is going to leave the front all green.

Mr. Burns said well, that's the proposal is to leave it. Mr. Schaller said and under the PUD that he had requested, that would limit his development options in the future of that along that entrance that goes out to Simmons, and Mr. Burns said correct. And they actually changed the street, kind of curved it over. Originally this private drive went straight back through so they could put housing on this side. What they did is kind of curved that over so it brought you into the center of the entrance with more curb appeal. It was asked so he does not plan on developing that front parcel, and Mr. Burns said correct. Mr. Black said if, in fact, he did, he is planning to propose it as a PUD; correct, and Mr. Burns said correct. Mr. Black said so if, in fact, he even wanted to, it would go through the whole hearing process again, because it would be a major change, as this is a major change, and Mr. Burns said correct. Mr. Black said so they are going through the whole hearing process, and Mr. Burns said from his understanding; correct.

A member had another question on that reflective pond, is that a retention or detention pond, and is that meant to hold water all the time. Mr. Burns said it would probably be a wet pond. The member said wet pond. Mr. Burns said it would serve both purposes, but for beautification, they would prefer it to be wet. The member said okay.

Mr. Black asked what schedule is he looking at. Is he looking to come back with his full planned unit development proposal at the next meeting, or will that be later. Mr. Burns said either the next meeting or the meeting after that. What they wanted to do was kind of get a feel for how they felt about this proposal, knowing that they are making a major change to it, before they go slamming up, bringing it in unadvised.

Mr. Black asked him if he had had any discussions with the neighbors, and Mr. Burns said he has not. Mr. Black asked if he had discussions with the last proposal, and Mr. Burns said yes, and he had relatively, he would say as far as neighbors go, and a project coming in their back yard, he would say he has pretty good support. Mr. Black said but he has had not contact, and Mr. Burns said not since this discussion. Mr. Black asked him if he had any intention to have contact with the neighbors prior to a public hearing, and Mr. Burns said not a problem. If that would be a preference, he has no problem setting up that type of a meeting. Mr. Black said he thinks one of the things that they notice is sometimes they come to the public hearing, it's the first time they have really heard of it. Mr. Burns said a big shock. Mr. Black said it makes it work better, and they know, and he knows sooner than later whether you have their support. Mr. Burns said he did that with this whole project. Before he brought it upon the zoning, he met with all that showed up. He invited all the neighbors. Well, basically all the neighbors that had adjacent property to it, he did that initially up front, and basically, like he said, he had real good support. Mr. Black said because as it is right now, that prior PUD is what is in place, and Mr. Burns said correct. Mr. Black said and that's what the neighbors are expecting, and Mr. Burns said correct. Mr. Black said he would suggest it. Mr. Burns said he suspects that knowing that they are taking the

overall density down, that that's going to be viewed as a positive with them. He certainly understands that.

Mr. Black asked if any of the other members had any other comments. Ms. Warnimont said but she has one other, being this is going to be a major, she is assuming it's going to go back in front of the fire inspector, and Mr. Garn said oh, yes. He has a copy of this drawing already. Ms. Warnimont said he does. Mr. Garn said yes. Ms. Warnimont said it seems like a little bit of that curve into that when you first come into it, especially when you think of a ladder truck going through there, she would like him to look at that. Mr. Burns said all of this area, this portion did not change, and Ms. Warnimont said right. And Mr. Burns said, and this was to all of the necessary standards. Ms. Warnimont said that part, she knew that, but she meant this one here. Mr. Burns said and this is all the same radiuses. Ms. Warnimont said same amount. Mr. Burns said he is not the technical guy. That's why he was hoping Mr. Michaels would be here. But he does know that all of these radiuses were designed to meet all of those same standards. Ms. Warnimont said okay.

Mr. Schaller said he guesses as he does the project, would he phase this, and Mr. Burns said it would probably be, yes. Essentially this would become building one and building two, and they would do building one first. He does not know if they will get 100 percent occupancy, but 80 percent occupancy before they would go into the second building. Mr. Schaller said and he guesses as suggested about addressing the neighbors, he would question how is he going to maintain that area, that large lawn area. Someone may be curious about that also. Mr. Burns said he has not really thought about that. Right now it's being farmed. They would probably let it turn into a field and mow it, he supposes. Mr. Black said he is not suggesting keeping it as a farm; correct. Mr. Burns said correct. He can't imagine. They are going to be only having that portion that's left over, because all of this they are going to be disrupting with mounds and elevation changes. So he can't imagine a farmer even wanting that little section of land. He would just assume that it would be a field, and it would get mowed.

Mr. Black asked Mr. Garn if he had some comments, and Mr. Garn said no, he does not at this time. He did present this or showed this to the trustees this morning, and they had at this time no comments. Just observed and looked at it. Mr. Black said he would suggest that he meet with the neighbors prior to the next meeting, and he would suggest that he not make a formal public hearing for 2 months, and not do it next month. Mr. Burns said okay. Mr. Black asked if anyone else had any suggestions on that, and no one did. Mr. Black said he thought that was appropriate. Mr. Garn said because this would go through the WCPC; and Mr. Black said right. Mr. Garn said and then the ZC. Mr. Black said right. Mr. Garn said and so on. Mr. Black said because they have a lot of work to do before they can really present it formally to them anyway, and Mr. Burns agreed. Mr. Black said so if he has a chance to talk with some of the neighbors between now and next month.

Mr. Burns said he guesses what they are looking for right now is is there anything immediately that they see as far as he guesses to any aspect of it. Mr. Black said no, he thinks it's a good idea that the southerly access, the private drive is handled the way it was handled in the prior PUD. He thinks that would take care of some of the neighbor issues. Mr. Burns said yeah, he knows that was one of the bigger concerns that the neighbors had. Mr. Black said right, so he was glad to hear that he is doing that. He does not have any other suggestions. He deferred to Mr. Garn.

Mr. Garn said well, there may be some problems at the other major intersection where Simmons Road comes out, because there has always been some concern at that intersection. It may need to have some work done there at some point because he knows a lot of people talk about potential accidents there. There is no light there. Mr. Black said oh, he is talking about Simmons and 795, and Mr. Garn said oh, yes. Mr. Black asked, does this require, according to their PUD regulations, a traffic study. Mr. Garn said this could for something like this. Mr. Black said well, that might be something that Mr. Burns would be interested in knowing sooner than later. Mr. Garn said yes. Mr. Burns said they did one for the initial, and Mr. Black said you did, and Mr. Burns said for having less people, and what he would expect to be a little bit more elderly age.

Mr. Black asked him if he could share with them again what this is. Mr. Burns said the concept is adult independent living. He will just describe one of the buildings. They are more or less mirror images of each other. The middle area here is common area. It would have like a game room, a library, a living room with like a projection type TV. A common kitchen. It would have like essentially your dining hall. There would be internal hallways down each wing. Mr. Black asked is this a one floor, and Mr. Burns said single story; correct. And then individual rooms. This would be a 78 unit building, and this would be a 70 unit building. And that's really it. Other than that, it's essentially rentals. Adult independent again is the zoning, but allows a little bit more elderly crowd to easily get to and fro, enjoy the amenities that a building like this is going to give them versus a normal type of apartment setting, and not necessarily have to bear the weather to go outside is really the concept. And it's mirrored after other projects that are similar to this. He had a friend that built one of these in Temperance, Michigan, and he looked at it. It is easily a system that really worked well, and he liked the concept of it.

Mr. Black deferred to Mr. Garn. Mr. Garn asked do the units have any outside entrances, and Mr. Burn said each one. Mr. Garn said each one. Mr. Burns said each one would have both internal to the hallway, would have an entrance to the internal hallways, as well as an exit to the exterior directly. Mr. Garn said internal.

Mr. Black asked if there were any other comments, and there were none. He asked Mr. Burns if he had what he needed from them for the initial, and Mr. Burns said yes. He said very good, and thank you. Mr. Black asked him if he will be back next month for

an informal. They would like him to come back. Mr. Burns said probably what he will do is set up that meeting with the immediate adjacent neighbors and explain to them the changes, and then based on their comments, because he has tried to keep that in mind through this whole process as well. If they have certain comments, he may come back with a little bit different version based on their comments. Mr. Black said to him when he meets with them, tell them that they will be meeting informally next month. So if they have some concerns, it would be nice to address those before we get to the approval. The smoother they can make it for that final public hearing for their ZC, he thinks the better it will be for all of them. He thanked him for coming, and Mr. Burns thanked them and said have a great evening.

STARBRIGHT OFFICE PARTNERS, LLC, SPR 2008-06. Jeffrey T. Smith of Starbright Office Partners, LLC, and Debbie Knoff of Buckeye Commercial Construction would like to present a proposed freestanding sign for this professional medical office building. They are still considering building signage. The freestanding pole sign is being presented to the BZA because of a potential visibility at an intersection issue.

Mr. Black asked for Jeffrey Smith. He then said oh, okay. He asked if she was Debbie, and she said she was. He said good evening to her and asked her to state her name and her business affiliation.

Debra Knoff addressed the commission regarding this application. She said she did not know if she was supposed to put that up on the board or not, but she is here to present the sign that they would like to put out at the corner of 795 and Starbright for, it's currently a medical building that will be out there. And the sign was not configured when the initial zoning was done.

Mr. Black said to Mr. Garn this particular sign complies with all the zoning regulations, and Mr. Garn said yes. He then said to her, and she will be appearing before the BZA because of a sight issue, and she said yes. Mr. Black asked her when they will be doing that. Ms. Knoff said next Wednesday. She said the 17th. Next Tuesday. Mr. Garn said Tuesday. Mr. Black asked Mr. Garn, they do not need to make any formal motion if it's in compliance, do they. Mr. Garn said no, but if there were any problems or other things that they wanted anything passed on to the BZA. Mr. Black said if it's in full compliance with their regulations, he sees no reason. He asked if any of the members have an issue that they would like to address, and none of them did. He then deferred to Mr. Garn.

Mr. Garn said there was a note he put in about signage that would eventually be placed on the building, and presuming that they would not need to come back for any of that. It was just an additional note. Mr. Black said oh, this is the piece of paper he gave them, and Mr. Garn said yes. Mr. Black asked Ms. Knoff if she would just give them a moment. He handed them something to review this evening. He then said this will happen later, and Mr. Garn said yes, because he is presuming there is no signage that's

been proposed yet for the building itself. Ms. Knoff said correct. Mr. Garn said and not knowing what's going to be placed on the building, in lieu of coming back here for any signage on the building. Mr. Black asked her if she would be back for that, and she said well, it's not even, she guesses, certain that there will be a sign on the building. There is still a vacant section of the building, so they don't know who is going to be going in there. So they would not even know how many signs, if there would be any signs, or what the signs would say. So they kind of went and had a generalization of what the property owner would allow on the building, which is what she is presenting, and she guesses she has to have that approved. Mr. Black asked her, so she is representing the construction company that built this, and she said the construction company, yes. Mr. Black said that's building the sign, or building the entire building, and she said is building the entire building. Mr. Black said okay. Ms. Knoff said on behalf of Jeff Smith. Mr. Black said correct, and he said he thinks she has everything she needs from them. It's all in compliance. She said okay.

Mr. Garn said now this is just to make sure that if they went ahead and put a signage on the building, as long as it meets the requirements, that they would not need to come back here for anything. Mr. Black said okay. He told her she will work with Mr. Garn on that. Mr. Garn said Ron Hornyak is also here from the sign company, too. Mr. Black asked who is that, and asked what is his name.

Mr. Hornyak introduced himself to the commission. Mr. Garn said he has done the sign work for them. Mr. Black said to him he would be doing both this sign and anything else. Mr. Hornyak said they are going to be building the freestanding sign. But what happens is as the tenants get in there, they decide that they need a certain type of sign. And what they wanted to do is present them some options that the landlord or the building owner will allow now, so in the future when they go to pull a permit for the signs, they don't have to come back to a board like this to get approved to pull a permit. As far as he knows, they can't pull a permit from them until they go through this process; correct, and Mr. Garn said right. Correct. Mr. Hornyak said so not only were they trying to finish up the site plan review for the freestanding sign, they also wanted to include the types of signs that would be allowed on the building that would also comply with Perrysburg Township. Mr. Black said, and that is what this sheet of paper has, and Mr. Garn said yes. Mr. Black asked him if he had a copy of this, and Mr. Hornyak said yes. Mr. Black said okay. That is a correct statement, and Mr. Garn said yes. Mr. Black asked Mr. Garn if they were all set, and Mr. Garn said yes. Mr. Black said okay, and thank you. Mr. Hornyak said thank you. Mr. Black thanked Mr. Knoff and Mr. Hornyak.

SUNOCO SERVICE STATION REDEVELOPMENT, SPR 2008-07. George Oravec has asked for a continuance to the May meeting. Letter attached. He will be applying to the BZA for variances on the parking space and landscape island as per Dave Kuhn's letter. ODOT is waiting for his formal submission. George Oravec, PE, PLS of Oravec Consulting and Engineering will be

representing the owners of the Sunoco service station at 10711 Fremont Pike. They would like to redevelop their site that includes an easement drive to the Holiday Inn Express. The proposed noncompliant building setbacks for the proposed new building have been approved by the BZA. The site plan is presently being reviewed by both our independent engineering firm and our township fire inspector. A copy of the engineer's initial report is attached.

Mr. Black asked Mr. Garn if there was anything that he would like to share with them. Mr. Garn said well, Mr. Oravec has mentioned that he may be wanting to apply to the BZA at their next meeting in April, and that would be before coming back to the ZC. He was very definite with him that he needed to make a formal presentation or a formal design to be sent to ODOT so that they could make a formal request. Mr. Black said well, he is a little concerned that the Ohio Department of Transportation needs to address this issue before they give it any final approval. Mr. Garn said right. Definitely. Mr. Black said because of the access issue. Mr. Schaller said just a little more waiting, obviously. Mr. Black said absolutely. So he is not in favor of moving on this site plan approval until they have approval from ODOT as to what should happen. Mr. Garn said right. Mr. Black said he knows Mr. Oravec may not feel that way.

Mr. Garn said and the other, because he thinks what he wants to go to the BZA about is a parking space and some landscaping requirements he made. And this is sort of paraphrasing what he told the fire inspector, because there is a problem on the side of the building with where the trucks would come in, and he said well, nobody is going to park there. And it does not sound right. Mr. Black said well, Mr. Oravec does not know that. Mr. Garn said he knows. Mr. Black said, and yet the regulations require it. Mr. Garn said yes. Mr. Black said, and that's going to be part of his formal. Mr. Garn said, but he does not know whether they need to formally tell the BZA that they would rather they not settle certain items like that until they know more about what ODOT has to say, and maybe get more of a formal letter from the fire inspector. Mr. Black said yes, they do need a formal letter from the fire inspector, and they do need a letter from ODOT. Mr. Garn said right.

Mr. Black said now as far as the landscaping issue is concerned. Mr. Garn said what they want to do is instead of landscaping an island, and Mr. Black interrupted saying that's a pretty tight piece of property for this use. For any use, for that matter. Mr. Garn said right. Yes. And talking to the fire inspector, they needed that striped so that trucks could get through there more easily. Mr. Black said well, is this the case where the truck could park in virtually all the cars that are parked there, and he asked if that was kind of the impression he got. Mr. Garn said this is also a problem, too, because the fill-up area is right in front of the front door of the station. Mr. Black said right. Mr. Garn said the tanks would be filled, and so when they come in, nobody could park in front of the store. It was commented that the store can't even see the islands with the trucks in front of it. Mr. Garn said it's not a great situation. Mr. Black said while not a zoning issue, certainly a business issue. A member said an operational issue. Mr.

Schaller said the other side of that is look how they are now operating. They ought to be able to improve the situation, you would think. Mr. Garn said right.

Mr. Black asked if he could review what they are requesting from the BZA. Mr. Garn said from what he understands, that he would be requesting that the island area that they normally would require with some landscaping in it, and the parking, that that would be striped. That there would be no island there. It would just be a striped area. And the other thing was that they had told him that, well, he is one parking space short. That was his other thing that he wanted. Mr. Black asked well, isn't this part of the overlay zone. Mr. Garn said uh-huh. Mr. Black said why would they exempt landscape issues in an overlay zone. Mr. Garn said yeah. Mr. Black said that makes no sense at all. The whole purpose, or one of the purposes of the overlay zone is that whole aesthetic issue. Mr. Garn said right. He said well, this is not the perimeter landscaping. Mr. Black said well, it's more than just the perimeter. Mr. Garn said oh, yes. He is trying to think of the other spots they have along Route 20 that the other parking areas don't have those islands. Mr. Black said yep, that is a correct statement. But since they have had an overlay zone, they have never made any exceptions. Of course, they don't make the exceptions, but he does not recall anybody applying to the BZA for that type of exception since they have had an overlay zone. He asked if he had, and Mr. Garn said no. He is correct. Mr. Black said so he is not sure if that's why they have the overlay zone, if they make exceptions like that. He asked what else. Mr. Garn said those are the two items. Mr. Black said the one parking spot and the landscape. Mr. Garn said and the landscape. And the landscape is that the fire inspector felt that their fire trucks could not get through. Mr. Black said if they landscaped it. Mr. Garn said if they had a landscaped island in there. Mr. Black said really. Were they going to run over the island. Mr. Garn said well, this would be the other interesting thing, because he knows ODOT's one thing that they wanted to do was have a pork chop entrance type of thing, but they mentioned to him that he should put in rolling curbs so trucks could roll right over them.

Mr. Black asked if any of the members had any comments on this. Ms. Warnimont said she was wondering on the parking issue, the west side of the new building that they are going to put on there, is there not enough room to put parking on it right here. Not all the way, because there is that drive, but, you know, she bets you could probably get maybe four, but she does not know if there is enough space between to back out and everything. Mr. Garn said some more parking over that way. He said yes, this is one of the problems. And he thinks that it would be nicer if they shifted the whole building. Ms. Warnimont said over here, and Mr. Garn said uh-huh. Because, see, this is where he said there would be nobody parking there. Because there is a big problem if a truck has to be in this way, the parking spaces are in the way. There was some discussion among some of the members. Mr. Garn said that he thought that Mr. Kuhn sort of thought that the building maybe should be shifted more to the north.

Mr. Black said he does not understand the landscaping island issue and the fire department. He asked if he could share that with them. Mr. Garn said the landscape island that they wanted to put in was at the northeast corner of the building where they show that striping, and Mr. Black said uh-huh, and Mr. Garn said next to the handicap parking space. And evidently their fire inspector felt that if the truck pulled in there, that that would be in the way for the truck to pull around between the building and the island or the pumps. And also at the other end, too, there was another small striped area they also wanted just to be striped and not any curbing. Mr. Black said at the east side, and Mr. Garn said at the south side. Mr. Garn said oh, the east side. Yes. Excuse me. Ms. Warnimont said that's the east side, and this is the west side. Mr. Black said well, if the fire inspector thinks it would be a deterrent for safety reasons, he does not understand why, but if that's the case. Mr. Garn said he will make sure. That's just as he remembers. He will get something more definitive from him. Mr. Black said okay. He said absent that safety issue, he would not be in favor of waiving that. Mr. Garn said right. Yeah. That was the only thing he sort of remembered him saying.

Mr. Black said there are 22 spots here to Mr. Garn, and they require 23. Mr. Garn said no, there are 30. He thinks there are 32. Another member said 32, and Mr. Garn said they would require 33 evidently. Mr. Black said and he is only requesting one parking spot, and Mr. Garn said yes. Mr. Black said he does not have a problem with that. Mr. Garn said no. Mr. Black said and if the fire department has that problem, if he could review that. Mr. Garn said he will review that. Mr. Black said but if it's okay with the fire department, he thinks they should have the landscaping. Mr. Garn said uh-huh.

Mr. Black asked if any of the members had a comment, and no one did. Mr. Garn said the other problem that he has had is that on the, he guesses it's the south side of the building, that that parking next to the entrance off of Lake Vue Drive, that's the entrance where he has evidently told the fire inspector nobody would be parking in those spaces. Those spaces he thinks are in the way of a large fire truck. Ms. Warnimont said or tanker, and Mr. Garn said or tanker getting in there. Ms. Warnimont said a big tanker. Mr. Garn said yes. Mr. Black said which parking spot, and Mr. Schaller said south side, but it's really the east side. Ms. Warnimont said thank you. East side. One of the members said to him it's the east side. Ms. Warnimont said the east side off of Lake Vue. There was some discussion among the members. Mr. Black asked Mr. Garn if that posed any problems. Mr. Garn said if they really shifted the station over to the west, and Ms. Warnimont said west, and Mr. Garn said then they may have to have some type of request to take off about 6 or 7 parking spaces. Mr. Black said on the ones on the other side, the west side, and Mr. Garn said yeah, on the west side.

Mr. Black asked if any of the members had any suggestions. Mr. Garn asked would it be good if Mr. Oravec came in and had an informal discussion next month on this and ironed some things out. Mr. Black asked Mr. Benavides what he thought. Mr. Benavides said he did not really have any comments. Mr. Black said okay. Mr. Schaller

said well, he could, since he is asking for a continuance to May anyway; right. So, yeah. Mr. Garn said uh-huh. Mr. Black said okay. Let's suggest to him and ask him to come in in April.

Mr. Black asked if there were any other comments. A member commented that there are a number of drainage issues that are opened, at least the letter indicates they are still opened. Have a chance to address those also. Do recalculations based on that. Mr. Black said that's a good point to Mr. Garn. The member said the number of open issues. Mr. Black said yeah, why wouldn't the open issues be completely resolved except for maybe the BZA issues next meeting. Mr. Garn said uh-huh. Mr. Black said there is no reason each and every one of these shouldn't be resolved by May, and they should be resolved by April. He would not be inclined to approve this site plan at all if this comes back with any deficiencies in May. Mr. Garn said right. Mr. Black asked if anyone else would when you have 2 months. Mr. Schaller said he has plenty of time. Another member said plenty of time to answer them.

Mr. Schaller said the big thing is the ODOT. Where do those guys stand. That's probably the bigger issue. Members agreed. Mr. Black said he guesses what he would suggest is that Mr. Oravec come next meeting, but before he comes next meeting, that all these issues be resolved. And by then there is no reason that he should not have a letter from ODOT also. With all these issues being out on the table this far in advance, because he would have no reason to approve the site plan if these can't be resolved within 2 months, and they should really be able to be resolved by next month. He asked if that sounded fair to the other members, and they agreed. He asked Mr. Garn if he will pass that message along, and Mr. Garn said yes, he will. He said he will try and talk to somebody at ODOT and see how quickly that can be done. His drawing should be done. It should be the same drawing that he has given them. As a matter of fact, he believes he was down there and brought this drawing to them the next day after visiting with them, but he never made a formal submission to them. Mr. Black said okay. Mr. Garn said, and without formal submission, there is nothing they can do. Mr. Black said they will move on to the next item.

DAVENPORT, HANF & CROCKER LLC OFFICE BUILDING, SPR 2009-01. Jeff Normand of Normand Associates, Inc., is working on the proposed professional office building at 28276 Kensington Lane in Coventry Woods. An independent engineering firm has reviewed the plans, checklist, and storm water calculations for compliance. A copy of the reviewer's initial report is attached. Our fire inspector is also reviewing the plans for compliance. They are working on a revision in the parking lot so that the fire trucks can turn around.

Jeff Normand addressed the commission regarding this application. He introduced Shelly Krasa. Mr. Black asked her if she was the office manager, and welcomed her. He also welcomed Mr. Normand.

Mr. Black said they had a number of items, and apparently most of them have been resolved. He asked him if he had a copy of the March 9th memo. Mr. Normand said he believes it is a restatement of what he has, and he probably does not have it. Mr. Black asked him if he would like to look at that just to see. Mr. Garn said he had a copy. Mr. Black said he could have that, and Mr. Schaller and he can share. He asked him if he would like a moment to review it. Mr. Normand said those are all a restatement of several of the items that were on the original list. Mr. Black said right. There were some other deficiencies that had been corrected. Any one that does not appear on here he assumes has been resolved. Mr. Normand said yes. Mr. Black asked him if he had any issue with any of the six items that are still listed, and Mr. Normand said no, those are all pretty much as they stated in their response.

Mr. Normand said they would like to be able to have the project approved with the idea that administratively Mr. Garn could take care of the housekeeping on these particular items. Basically they are submittal issues. Mr. Black said to Mr. Garn the buffering requirement, he can administratively waiver that. Mr. Normand said he probably ought to give them a little comment on that, since it sounds like it was similar to what they were just talking about. The inspector came by and originally wanted to have them circle the buildings. So what they did is he actually came over and measured this truck, and he has it in their system, and created this turn-around which would be a grass area turn-around. They have done this in several other jurisdictions where you put down 12 inches of base, compact it, and then you cover it over with 6 to 8 inches of top soil, and it looks like grass. They know it's there. As you can tell, it's going to be pretty difficult to miss it because if they do, they are in the ditch, and they are more or less they are hitting the building. So this turn-around has been put in here, and he asked that these faces on the back side that they are using as their buffering wall are such that he wanted to eliminate all of those parking spots. They still have one there, and he is not trying to be funny here, but he does not think anybody is going to park in that, but they would like to have it. And if, in fact, there is any issue, it's not necessary, according to their calculations that they would need it, but they would still like to have the parking spot there.

Part of the issue that they have run into with this site is there is this ditch easement that takes 30 feet off of the property after you have already taken the approximately another 10 feet of side of ditch. So it's really pushed the building over as far as they can stand it. Mr. Black asked if that was the 45 feet that they see measured on the diagram, and Mr. Normand said yes, from the property line on over. And so what that does is it gives this maneuvering space difficulty. And they originally had pulled this over, and they pulled it back out of the ditch easement, and there is one space there. The concern is that this being residential, and by the way, it is residential, but the gentleman who owns this property has got a two-story, it's not really a barn, but it's vinyl siding, and it looks almost like a house sitting there. It's got a stove pipe running up the back. It must be a man cave or something. But the house is up here in this area. They are talking about the one spot here. This is all wooded through here. Mr.

Black said so that's just one lot, the residential. Mr. Normand said yeah, this is all one lot residentially. This is still part of Coventry Woods over here. As he said, it's all wooded. It's all Scotch Pines which should be green all year round. So that's the one piece of the waiver that they would like.

Mr. Black asked what is the total cost of the building. Mr. Normand said the total cost of the building, approximately two and a half million dollars. Mr. Black said not accounting the land. Mr. Normand said not counting the land. That is in-place construction. He does not know, he will give them these. It will give them an idea of what the building will look like. Mr. Normand said he has met with Dave Kienzle, and they have gone through it, and he does not know if he has submitted any formal comment back, but he will tell them that he really had no problems at all. They are using the solid wall buffering for the back lot line, and they are combining that with actually covered parking. Mr. Black said total covered, or just along the property line, or all. Mr. Normand said just along this property line, which then, because this is the residential area, it gives them their buffer. The back wall of that actually is the buffer. And Mr. Kienzle, as he pulled out his pencil and sketched out what he would like to see, and that's what they are giving him. But it is a residentially styled. It's not one of these apartment type that you see falling apart along the expressway. This is a truss with the same cedar shingle, or cedar like shingle that is on the main building, and it does have some detail.

Mr. Black asked him when would he like to get started. Mr. Normand said as soon as possible. Given the way the economy is, it's a difficult time to build because the banks tend to not want to play ball real well. But Davenport has got a very good relationship with one of the banks in town, and they have secured financing. The building has been priced out. It's within budget, and they would like to break ground just as soon as they possibly can. And maybe wait for the ground to dry up a little bit. Mr. Black asked him if he had found that constructions costs have been lower than anticipated, and Mr. Normand said dramatically so.

Mr. Black asked if there were any comments. Ms. Warnimont said she was questioning the two storage units. Are both permitted. Here in the front of that parking lot. Mr. Normand said right, those are a part of the plan, yes. Ms. Warnimont said she knows, but is it permitted through their zoning to have two storage buildings, outside storage buildings. Mr. Normand said yes, you are allowed to have storage units. Ms. Warnimont said she did not know. One she could see, but she did not know about two. That's what she did not know. Mr. Normand said well, they are actually connected by a wall. Ms. Warnimont said oh, are they. Mr. Normand said, and they are using those storage buildings to screen the cooling tower. Environmentally this building will be using water source heat pumps, which are attached to a cooling tower, which is something a little different. They feel there is going to be significant energy savings. They looked at a geothermal and sinking some wells, but feel that they are actually

getting a better benefit out of using the cooling tower coupled with the water source heat pumps.

Mr. Black asked Mr. Normand, is this a lead project. Mr. Normand said it could very well be, but the owner is not, and Mr. Black said not applying for certification, and Mr. Normand finished saying not applying for it, but it meets a lot of the criteria that's available. It's highly insulated, and the materials that are being used, they are looking at pretty green materials, recycling, and all sorts of things. There was some discussion among the members.

Mr. Black asked if there were any other comments. The discussion continued with Mr. Garn. Mr. Black said the revised landscape plan, the photometrics. Mr. Normand said they will submit that change. Absolutely.

Ms. Warnimont said she does not see how those things are connected, those two storage units. Are they connected together. Mr. Normand said well, in your plan they are probably not, but their resubmitted plan actually has a connector, and this building is actually moved over so the walls line up. Ms. Warnimont said okay. That's probably closer to what this drawing is, because theirs shows quite a bit of space between the two. Mr. Black said yeah, they show a February 17th drawing, and they received them February 17th dated February 16th. He asked if that was a different date that they have. Mr. Normand said they have resubmitted drawings, and he does not know as Mr. Garn has those yet. Mr. Black said oh, okay. There was some discussion among the members. Mr. Normand said it is a requirement of Mr. Kienzle that they connect the buildings, and it will then be a solid screen. Mr. Garn said solid screen. It was commented okay. Mr. Normand said on the civil drawings, no, they are not connected. That was a last minute change. They want it screened also from the visibility issue driving up the drive. Mr. Garn said so it really essentially would be a long L-shaped building that way then. It will go down, then cut the corner. Mr. Normand said it's really all one building that is buffering the residential area and the expressway. Mr. Garn said the cooling tower. Mr. Normand said so that that noise is not coming through. It was commented that the roof line on A-7 would continue around the L.

Mr. Black asked if there was a motion to approve the site plan. Mr. Benavides moved with a second by Ms. Warnimont to approve the site plan. Mr. Black asked if there was any further discussion. It was asked if they needed to indicate that it's subject to this, and Mr. Black said yes, it's subject to compliance with the March 9th, 2009 memo. He asked Mr. Benavides if he concurred with that, and Mr. Benavides said yes, that's fine. Mr. Black said yes, the motion and second, that it complies with the March 9th, 2009 memo from Mr. Kuhn, their review engineer. Ms. Warnimont told Mr. Garn that Mr. Benavides made the motion. Mr. Garn said okay. Subject to that. It was commented to be handled administratively. Mr. Garn said he would like to see that they approve the waivers. Mr. Black said yes. Mr. Garn said because he thinks that they should approve the waivers as shown in that March 9th memo. Mr. Black said okay. He asked

Mr. Benavides if that was included in his motion. Mr. Benavides said so they want to include the March 9th memo, and Ms. Warnimont said the waivers. Mr. Black said and specifically waivers in items 3 and 4 of the March 9th memo, that they are granting those waivers. Mr. Benavides said so they move for approval subject to the waivers granted in the March 9th, 2009 memo. Mr. Garn said and the revised photometric plan. Mr. Benavides said and the revised photometric plan. Mr. Black deferred to Ms. Warnimont, and she said she would re-second that. A roll call vote was taken. Yes votes by Mr. Benavides, Ms. Warnimont, Mr. Hanna, and Mr. Black. Mr. Schaller abstained. Motion carried 4-0-1. Mr. Normand said thank you very much, and Mr. Black said thank you for coming in.

Mr. Black asked if there was anything else that they would like to discuss this evening. Mr. Garn said he had one that was an interesting topic that came up. And this had to do with the Owens College building there had some issues that have come up because they have never gotten any permits, or never come to the zoning commission. And so he checked that out, and they have never done anything. He called the City of Bowling Green. They have never issued anything for BGSU. So then he contacted the architectural office for the State of Ohio to find out exactly what law they are using to not ever come to them. So there is sort of a law, and they cited it. The problem being the storm water. Evidently they have done a lot of construction there and never taken that into account, and it's caused problems not only for here, but also Northwood and so on. And so he does not know whether he is going to get in contact with the county engineer's office again, because he believes that they should be at least trying to come to them so that they are good neighbors. Because what he has read about the zoning law in Ohio said they are exempt only after they have tried to work with them. And what's happened in the past is he would get a call from them, and just they would call up and say we are going to build a new building, and they don't need any of our permits, thank you, good-bye. And he does not know if he can disagree with that, and he can't find where anybody has ever pressed anything in the courts to find out. Evidently they need to be little better neighbors.

Mr. Black said Penta County seemed to do a nice job when they worked with their new building. Mr. Garn said yes, and they tried. You, the ZC worked with them and so on. Mr. Black said right. Mr. Garn said and that's the same with most local. And it goes down, you know, it's federal over state, state over local, and they only exist because of the state.

Mr. Black asked what is the trustee position. Mr. Garn said they really have not given him anything. He has just given them the information, and they were, he thinks, sort of shocked that they have never come to them for anything.

Mr. Black said and he guesses the short story is there are some flooding issues, and Mr. Garn said evidently there are some flooding issues with some of the creeks getting too much water in them now. And he has not driven through, but his understanding is they

have not put any retention or detention areas in. He will have to drive through. And he knows in Ampoint it's interesting, because until FedEx and until the last project they had at Ampoint, there has been, you know, no detention there either. Ms. Warnimont asked why couldn't the trustees send a letter to the EPA asking them to contact Owens to get at least with the EPA if not with them to get something done. Mr. Black said he was surprised that you could build anything without those retention/detention ponds anymore. Mr. Garn said anymore, yeah. Years ago they didn't. Mr. Black said yeah, but some of this construction is much more recent. Mr. Benavides said they do state work with BGSU, and with UT, and MUO, and they have always submitted for drainage calculations, and drainage requirements. Mr. Schaller said well, if you want to just do a professional job of design, do you not need to meet those requirements. Because otherwise you could have flooded parking lots and those type of things. So it would be pretty irresponsible not to do that. Mr. Garn said they need to take a drive-through and just get an idea of what's there. But he mentioned it to one of the trustees, and he said he was under the impression they don't have anything over there. Mr. Black said well, then, it's up to the trustees to do, and he is just making them aware of it. Mr. Garn said making them aware of an interesting issue that they will find out more.

Mr. Black asked if they had anything currently going on construction wise. Mr. Garn said over there, he does not think so. He thinks their other current thing is over in Lake Township, something they are doing over there. Ms. Warnimont said but aren't they going to, because they bought Penta County's building. Mr. Garn said oh, yeah. They have torn it down, and they are going to do some work there, and so forth. Ms. Warnimont said she thought they were building something there. Mr. Garn said see, and this is one of the things for the county, they are relying on the township and the township zoning for site plan approval and the detention. Mr. Black asked if he has had any conversations with anyone at Owens. Mr. Garn said not at Owens themselves. There are some people that he has talked to, but the one person he talked to at Owens was just to try and find out how to get in contact with the state to find out. And the state hires local architects when they do their projects. Mr. Schaller said they do have all the Home Land Security area over, and yeah, as he thinks about that, there is no detention or retention ponds over there. It's not a lot of buildings, it's a lot of paved areas. Mr. Garn said and paved areas probably cause more than buildings.

Mr. Black said well, are they going to leave it with the trustees, or is he going to make contact. Mr. Garn said he was going to make contact first with the county engineer's office to see what way they want to go. Mr. Black said okay. Mr. Garn said and also, again, with the trustees, and just trying to be good neighbors all the way around. Mr. Black asked him if he got any impression, or just trying to ignore it. Mr. Garn said no, no, he does not think Owens really, and Mr. Black said they are not intentionally, and Mr. Garn said they are not intentionally doing anything yet. Mr. Black said just the way they have always done things, and just have never changed. Mr. Garn said yes. Mr. Black said okay. Right.

Mr. Garn said and they were just sort of worried now, because this is a side subject. The county commissioners asked him last week if he would look into finding out about a possibility, theirs right now is a 25 year detention, try and figure out how much more it could cost to go to 50 or a hundred year detention. Because they said just this last year they have had two storms last year, and he does not know if the one they had the other day. Mr. Black said the July 4th or thereabouts, that was a lot of water. Mr. Garn said yeah, and they said so far they have surpassed that hundred year requirement. Last year a couple of times, and they are going to be real close just this last weekend. So they are just thinking, and he has a rough idea from their engineer that it will cost more, but not as much. He said a 50 year would be maybe a little over 10 percent more, and the hundred year might be 20 to 30 percent more, just a rough idea.

Mr. Black said on a different subject, where do they stand with their comprehensive plan. Mr. Garn said he did meet last week with Feller Finch and Beckett Raeder, and he needs to get some GIS disks to them. They want to start he thinks the first part of next month, and he is going to see if they can do anything this month, at least to do one more meeting. And they wanted to then try to set up some committees, and start to move forward, and figure out where they are going to meet. Mr. Schaller said so the trustees have approved that, and Mr. Garn said yes, they have signed the contracts. So they have to move forward with that. Mr. Black said the trustees have given them some names that should be included in, and Mr. Garn said they have not. Well, they are just starting to do that, and only a few names. So that's where they are going to have to come up with some names of individuals, and also sites to meet, not just here, but Owens, Penta County, and something in the unzoned area. Maybe some different sites, you know, to get different people involved. They want to get school children involved, different groups.

Mr. Black said and another issue, he sees a judge ruled that those rezoning issues will go to a referendum, and he asked if that was November, and Mr. Garn said yes, it's in the November election. Ms. Warnimont said and everybody gets to vote on that. Mr. Black said everybody votes on it. Mr. Schaller said everybody, and Ms. Warnimont said uh-huh. Yeah, she was surprised about that. Mr. Black said that's interesting. Ms. Warnimont said when she found out about it, everybody gets to vote on it in the township. Mr. Garn said so the zoned and unzoned. It was asked what about the city, and Ms. Warnimont said oh, no. Mr. Schaller said he thought everybody wanted to do something, but they were intimidated by how the city would react. It was commented turn off their water. Mr. Black said so if they vote not to rezone it, or overturn the zoning and rezone it, then the landowners will probably go into the city. Mr. Garn said they have that option. Mr. Black said that's the way it proceeds, and Mr. Garn said that's the way it proceeds that they could easily go into the city. And what he has been told is they have up to 150 parcels that they could take. Mr. Black said 150 parcels. Mr. Garn said they have 150. Mr. Benavides said oh, he sees. He is talking about some of the existing. Yeah, he sees. Some of Brian McCarthy's. He was thinking big 90 acre parcels. Mr. Garn said he has all of those. It was commented that's a lot of land. Mr.

Garn said that's right. Well, all you have, it's one for one. Mr. Black said he knows, but when you think of township, and you say 150 parcels, you think acreage, you don't think of lots. Mr. Garn said uh-huh. Right. Mr. Black said he sees what he means. It could be some very large pieces of land along with that, because they would be shooting off towards Route 20 with that, and it would have a very dramatic effect on the entire township with that, all of Route 20. That's a guess that they would take all of Route 20 and other things.

Mr. Black asked if there was anything else that they would like to discuss. Ms. Warnimont said the bad thing about that, though, the township can't do anything, you know, money wise to promote this, and that's going to be bad. But somebody is going to have to put something out, because from what she understood from someone said that they lied under oath saying what's going on over there, and what they told the people. They could still do the same thing in any kind of letters that go out. Mr. Black said that's true. Ms. Warnimont said and the township can't put any money out to contradict what they are saying, and that's the bad thing about it. So some way, some how, somebody is going to have to be able to put that out. Mr. Black said that's a good point to Ms. Warnimont.

Mr. Black asked if there were any other issues they would like to discuss this evening, and Ms. Warnimont said that's it. Mr. Black asked if there was a motion to adjourn. Mr. Schaller moved with a second by Ms. Warnimont to adjourn. All members were in favor, and none were opposed. The motion passed. The meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Grant W. Garn,
Recording Secretary