

**PERRYSBURG TOWNSHIP ZONING COMMISSION
26609 LIME CITY ROAD
PERRYSBURG, OH 43551**

ZONING COMMISSION MEETING
April 10, 2006

The Perrysburg Township Zoning Commission held a meeting on April 10, 2006, at 26609 Lime City Road, Perrysburg, Ohio. Robert S. Black, Chairman, called the meeting to order and welcomed all in attendance. A roll call was taken. The meeting was tape-recorded. Grant W. Garn, Zoning Inspector, was also present.

MEMBERS PRESENT: Robert S. Black, Jeff Schaller, John J. Benavides, and Arthur Rometo.

MEMBERS ABSENT: Carol Warnimont, Stephen J. Stanford, and Jeffrey Normand.

Mr. Black informed the members and the audience that Ms. Warnimont, who is their secretary, is not present. They will need to elect a secretary for the ZC for this evening. Mr. Black nominated Mr. Benavides as acting secretary for this evening. Mr. Schaller was the second on the motion. A roll call vote was taken. Yes votes by Mr. Black, Mr. Schaller, and Mr. Rometo. Mr. Benavides abstained. Motion carried 3-0-1.

APPROVAL OF AGENDA: Mr. Black asked if there was a motion to approve the agenda. Mr. Schaller so moved. Mr. Garn said there is a modification, and Mr. Black asked before the vote of the agenda, and Mr. Garn said yes. The item 3C, Perrysburg Heights Community Center, they will not be attending this meeting. Mr. Black said so they will not be discussing that this evening, and Mr. Garn said right, as far as he knows. Mr. Schaller so moved with that modification. Mr. Black asked if there was a second, and Mr. Benavides was the second on the motion. A roll call vote was taken. Yes votes by Mr. Schaller, Mr. Benavides, Mr. Rometo, and Mr. Black. Motion carried 4-0-0.

Mr. Black said they will be unable to approve the minutes of the March 13, 2006 meeting, because they only have two members present this evening who could vote on that, Mr. Schaller and Mr. Rometo, so they will defer that to their next meeting.

Mr. Black swore in all persons who wished to address the ZC this evening.

ZONING CHANGE APPLICATION NUMBER ZC 2006-03. Mr. Kurt Miller of Miller Diversified, Inc., brought an application from a William J. Wolf and Antoinette Wolf who wish to have their property rezoned. This property is located at the northwest corner of Neiderhouse and Thompson Roads. This property is situated in the County of Wood, and the State of Ohio, and in the Township of Perrysburg, and bounded and described as follows: Lot Number 8, being the Southwest ¼ of the Northwest ¼ of Section 16,

Town 4, United States Reserve of Wood County, Ohio, containing 41 acres, more or less. Subject to legal highways. The property is presently zoned A-1 (Agricultural District). They are requesting that the zoning be changed along the roadway perimeter to R-1, Rural Residential District (Low Density), and the interior section to R-3, Suburban Residential District (Medium Density). The developer has stated that they would like to develop a residential subdivision with a combined total of approximately 88 single-family lots.

Kurt Miller addressed the commission regarding this application. He said they actually have several people that will speak this evening. He said as they know, this is a resubmittal from a zoning they had applied for a year ago, and at that time it was recommended disapproval. They withdrew the application at that time to go back and look at some of the alternatives that they could pursue as well as meet with various people to get input and recommendations on what to do. Based upon the prior meetings and some of the feedback they received after withdrawing the application, there were several items that were brought out that they thought were the issues, and they tried to address them in this new application.

One of the primary issues that was raised of concern was that the previous application was for an R-3 density. It was changed here to an R-2 along Neiderhouse, and R-3 everywhere else. The feedback that they were given was that the concern was that the potential density of the R-3, although they showed less number of lots than the potential density, the concern was that they could get more lots, for example, under a straight R-3, and they could potentially get 165 lots. In addition, that even though they showed open space along Thompson Road, that once that zoning change was approved as an R-3, that they could then go back, change that open space, move it to somewhere else within the development, and that they could do R-3 lots along Thompson Road, and therefore it would not provide any transitional or buffering between the larger lots to the east of Thompson Road.

In redoing this application, their solution to that was that they went with an R-1 buffering along both Thompson and Neiderhouse Roads. As they are aware, the R-1 provides 20,000 square foot lots with 100 foot frontage. They felt that that, with the 20,000, roughly half-acre lots, provides the transitional use to the larger lots that are on Thompson and Neiderhouse Roads. That with 100 foot frontage, it would be the same width frontage that would be permitted under an A-1 type use as that is allowed in the agriculture. So they actually have larger than 100 foot lots along Neiderhouse Road. But the worst case scenario, if he were to fall off the face of the earth or something, the worst case scenario would happen along that perimeter would be 100 foot frontage lots which you could do under agricultural. Obviously agriculture would be bigger square footages so you could get the depth, but they would allow 20,000 square foot. So they felt that would provide that transitional use. In addition by providing the R-1 buffering along the perimeter, essentially the potential density of it, if you want to calculate the maximum density by the roughly 40 acres and dividing by the square

footage of the lots and all that, it would reduce the potential density by 21 lots, although in their plan they are not coming close to that. It reduces the potential density by quite a bit.

They felt that R-1 was a good transition to the ag lots, the larger lots along Thompson, Neiderhouse. Even if you look in the township zoning code under the R-1 description it says for low density, residential development, which lacks community water and sewer services. It seemed to them by the fact that they are saying R-1 lacks water and sewer, that that was intended to be more of in the rural type setting without public sewer and water. In this case they would be having to provide public sewer and water, which by the zoning code really actually moves you up to an R-3 type density. So they felt that provided the transition. That's why they put the R-1 buffering around the perimeter.

Another issue was the availability of the sewer and water. The last time they discussed this they did not know, and the Northwestern Sewer and Water District did not know whether this was going to be a gravity service from the north coming down, or a pump station that would be put in. They met with the water and sewer district. They said that they would service this, it would be a gravity sewer from the north, not be a pump station. That both sewer and water can be brought down from the north. They do have a letter from the sewer and water district that basically says they would do this as a good project in their plan to bring sewer and water district down. If need be would be a sewer and water project. So they felt they addressed that issue. Mr. Black asked if that was for both water and sewer. Mr. Miller said he believed it had both in there. Mr. Miller said somebody else will talk about the water.

Another issue that was brought up was the pedestrian safety issue, that with the increased traffic that's occurring already on Thompson Road, and with the increased traffic that's going to occur with the development of safety. He has committed, talked to the neighbors, and one of the neighbors he put in writing an agreement that they would provide some sort of bike trail or walking trail through the development to provide for pedestrian traffic. So if they want to get off Thompson and Neiderhouse Roads, that they would be able to get on to the walk-way or pedestrian trail and thereby increasing not only the safety via the new development, but anybody, even the people that didn't happen with that, it would provide additional safety by providing that trail along there.

An issue was raised on whether it was necessary to widen Thompson Road. He has committed that if need be, if the township requires that they need to widen the frontage along their development, that they would do that. That that would require filling in the ditch, widening the road, their plan already incorporates the additional right-of-way necessary along Thompson Road as well as additional right-of-way along Neiderhouse. They again feel that that adds to the safety of the area even if the development did not happen. As the traffic increases for other development in the

area, that the widening of Thompson Road can provide additional safety. They will be essentially footing the bill for a portion of that.

Another issue that was raised was the traffic. In some of the reports from the WC Planning Commission suggest that this was a congested road, and they performed a traffic study, and he will have Feller Finch talk about that in a minute here on the results of the traffic study.

Another couple issues that were raised, and these are the more difficult ones and why most of the people are objecting here is that they feel it's not transitional and not compatible. Again, they feel with the R-1 that's provided along Thompson and Neiderhouse that they are transitioning to the larger lots on both sides. He brought an aerial. He asked where to put it, and Mr. Black said to put it on the aisle for now. Mr. Miller said the red outer areas is their property in question. If you count the lots that are actually abutting the property including the one on the corner here, there is nine including the large 40 acre parcel to the south. If you include the radio tower, ten parcels. There is eight existing roughly five-acre parcels that are abutting the property. By putting R-1 around the perimeter, they feel that they are transitioning from these lot owners to the east and any lot owners to the south on Thompson Road. On not compatible to the neighborhood, they feel that compared to other developments that have been in the area, you have got Oak Meadows here that abuts, and they counted eight, depending on how you count them, eight to ten lots of similar size that are abutting Oak Meadows. You have got Brian McCarthy's development that was abutting agriculture to the south, and some larger lots over here. Now he understands he is developing this way, but now he has abutting lots to the south of him that are larger. He does not think they are inconsistent with some of the developments that have been approved. Even Shannon Hills has, he thinks he counted 11 lots that were larger lots around here abutting them. So they felt in a lot of ways they are transitioning down to the agricultural areas here.

The last time it was mentioned, and it's a philosophical issue, but as you transition this way, if it's large lot zoning here, then where does development go with smaller lots, typical subdivision lots. If you do larger lots here, that means here, here, here, and they talked about it the last time with the loss of farm ground issues, that really the push is towards higher density, more people per unit acre so that you don't get the urban sprawling. He won't go down that road again unless they ask him to, but he has data on that. He feels it is a good transition use. They feel it's basically compatible by the buffering, the R-1 that they are doing.

Some of the issues that were raised is some of the folks just don't want public sewer and water. He talked to the health department, and they generally feel that connecting to a public sewer actually creates a more healthful situation for the community. The EPA and the health department say that generally if it's available within 400 feet, that they can require people to connect up to it. And that they are trying to eliminate the

pollution that's generated in the ditches from the water that's coming out at the leach fields. So they feel by providing this, although people don't want it right now, it actually can benefit the public health.

There was an issues raised that if this water and sewer come down, that it might be assessed to some properties. If somebody is in an ag district, then those people would not have to pay that assessment until the time that they either utilized those services or until they got out of the ag district. So they are able to really control their own destiny in the short term. Mr. Miller said those are his points. He asked if there were any questions to ask him, and he is going to have Feller Finch talk about their traffic study, and then Lane Williamson is going to address some other issues that were raised.

Mr. Black asked if any of the members had any comments for Mr. Miller, and there were none.

Greg Feller addressed the commission regarding this application. As Mr. Miller said, they did perform a traffic study in this area, and he will briefly go over it. He won't go into all the details and numbers, but he will run through what they did. Basically they analyzed the intersection at Thompson and Neiderhouse as it currently is, and they also analyzed Thompson Road itself and Neiderhouse Road itself as they are right now. They all three are operating at a level service of A, which is the best conditions you can have. Then they analyzed the intersection at Thompson/Neiderhouse under the future conditions with this development. They also analyzed the roads at Thompson and Neiderhouse themselves, and they analyzed the new intersections that will be created by this development at Thompson, North Seabreeze, and Neiderhouse and West Seabreeze. And basically the results all came back, after they added the traffic to this site, all the intersections will still be operating at a level service of A, and the roads themselves will also still be operating at level service of A.

The only exception is going east on Neiderhouse turning left on to Thompson. That went to level service of B. And the reason is the level of service is all calculated on delay. And a ten second delay is kind of the cut-off between A and B. Well, the delay for a left turn movement on to Thompson was 10.3 seconds. So it was only .3 seconds over the level service of A. Mr. Black asked if he had a copy of the study, and if that was their only copy. The response was they have more copies. Mr. Black asked if they could pass that up. Mr. Feller said basically the bottom line is the development is not going to impact the surrounding roads or intersections in a negative way they don't feel. He also did a left turn lane analysis to see if there would be any left turns required at any of the intersections, and those all came back no. So there won't be any left turn lanes required.

The issue came up at the PC meeting about analyzing the intersection at 199 and Neiderhouse, and they did not analyze that intersection simply for the fact that this development won't impact that intersection. Mr. Black asked which intersection is that,

and Mr. Feller said at 199 and Neiderhouse. They calculated there will only be 8 cars going that direction from this development additionally, so they don't feel that it's going to impact that intersection at all.

Mr. Black asked the audience members to please be quiet because the microphone picks up everything, and they won't get a good voice recording. He said their stenographer is not here, so she is going to need to be listening to this to make the minutes.

Mr. Feller said they don't feel that the traffic generated from this will negatively impact the surrounding roads, and if they want some more detail, he can go into more detail, but that's basically what they found.

Mr. Black thanked him and asked if there were any questions from the members. Mr. Schaller said the traffic study doesn't impact the existing roads, he thought Mr. Miller mentioned he would be involved with an improvement to Thompson Road if this thing went through, but is he saying that it is not needed. Mr. Miller said even if it's not needed, if the township wants that, they are willing to commit to doing that in that area. Mr. Schaller said only for the length of the development, and Mr. Miller said for their frontage. Mr. Schaller said wouldn't that be a problem with how could he improve just a portion of Thompson Road without improving all the way down to Eckel Junction. Wouldn't that be a problem to do that. Mr. Feller said not really. A lot of times what happens is when developments get proposed and then they go through the design, sometimes the county will come back and say okay, we think you need to widen your section of the road. They usually do that if they intend to get the whole road widened at some point. Development by development they will make them do it kind of in a step approach. That way sometime in the future when it's all developed, then they have the road that they want in the future.

Mr. Miller said to answer his question on that, and they were concerned about that as well. He did meet with Gary Britten before he was the trustee and discussed this issue with him, and he agrees that he would rather have it not wide then narrow then wide. But he felt that the township was at the point that it may have to be widened anyway, and that if they widened their section, that the township would widen that section in between. He does not know what else to do other than meet with who he felt was appropriate at the time and get their input from them. Mr. Black said by in between he means between Eckel Junction Road and his property, and Mr. Miller said right.

Don Feller addressed the commission regarding this application. He just wanted to mention that in regards to that question, the study was done, and it was based on existing conditions. Existing lane widths, existing shoulder widths et cetera to determine the impact on the level of service. As he is sure they are all aware, level of service is how you analyze a road. Level of service and delays at intersections, level of service is ranged from a minimum of A to a worst case of F. When you do a traffic

study, you analyze what impact this project will have on that level of service. Obviously there is going to be additional traffic. That's clear. The question is what impact will that traffic have on the level of service. Their analysis indicated that it would still remain a level of service of A, which is the best traffic situation as far as quantity of flow.

Regarding the widening of the road, it's pretty common that when a road is narrower than what would normally be required or normally built today, for example, it's often they require the developer to widen his section with the idea being as time goes on, eventually you will end up with a wide road. But all the studies that they did were based on existing conditions, not widening the roads. He wanted to make that clear.

Mr. Black asked Mr. Williamson if there was a comment he wanted to make about the water.

Lane Williamson addressed the commission regarding this application. He has really three things that he would like to cover. First he is going to give them a copy of what is now the only copy of this letter that they have from one of the adjoining landowners. If they could get a copy back at some point, they would appreciate it. Mr. Garn said they could get copies now if they want. Mr. Williamson said it's a letter in support of the project. Mr. Black said they have this letter. Mr. Williamson said good. He said Mr. Miller just reminded him that this property owner is, if you look at frontage or contiguous property, the most effected landowner in terms of the fact that it is from basically Thompson Road back the whole 40. So obviously they are someone that has been met with and talked to regarding the impacts, and they have put in that letter the things that they are concerned about. But the key is that they are supportive of the project.

Mr. Williamson said a couple of points. Mr. Miller alluded to the water issue. He would like to start first with maybe the core issues that they think have been touched on in terms of the issues, and that is that compatibility of this request with the master plans that effect this territory. He has a couple of maps that he is going to hand out to them, and he will talk as he does that. The first one goes back to '93. That's the '93 map of the Perrysburg, Ohio, area that's been utilized by both the city and he believes the township in these merging areas. And he will direct them to the site. He thinks they can all find it like he can. What that shows is that this site in question is in yellow, which if you read the text of the report talks about single-family residential. Well, what's even more important is that if you drop down below the yellow, and at this point Mr. Lajoie interrupted from the audience and asked if there was something that he could put up there so that he could follow him. He does not know how they can give input on this conversation. Mr. Williamson said he would show it to him like this if he would like, and how about if he would point to it. He asked if everybody had identified the site there on the commission. He thinks they all know where the corner of Thompson and Neiderhouse Roads are. As you drop down to the south, it's important

to note that even back to '93 they were considering Neiderhouse Road as an important line. Above it to the north, single family. But below it rural single family. And that, if you read the text of this plan at that time, is indicative, they think, of why this development is consistent with the master plan that was envisioned back even in '93 going forward. Rural single being distinguishable from the single family that's being proposed primarily because of the expectation in '93 of where the services, water, sewer et cetera would end up, and that was predicted to be Neiderhouse Road in 1993.

If you transition to the other map that he handed them, that's the proposed land use map of '03 from the city. And interestingly you see that that line has shifted just a little bit, and now even the large lots, the single family lots that exist there are shown in the typical single family dwelling type use, and below it is the agricultural. So you see that moving a bit as development has progressed over about a ten-year period. Why that's important in their view is that that shows that this has been contemplated. This is not something that this developer came up with out of the blue, or any other developer in the area, but rather this is development that has been generally consistent with the land use plans that were developed, and they believe that's supportive of this request.

In terms of the water issue that was alluded to, the city in the 99 year agreement that was entered into with the township back in '01, it has been designated as the sole provider of water to this territory. But in return for that, as many of them may be familiar, there is an agreement that there will not be forced annexations on the territory east of 75 which this property falls within. So what that means is that there is water that is available. Mr. Black asked if he wanted to give one of those to each side of the room and let them pass it around to show them. He told Mr. Williamson to go ahead. Mr. Williamson said they believe that that suggests and, in fact, is conclusive on the issue of the fact that the water can and will be provided along with the sanitary through the regional water and sewer district. So the provision of services is, in their view, not a question.

They understand there are questions, what is the effect of that. They have touched on one of the effects which they believe is a positive, and that is that the overall health of the residents in that region, in that area is improved, and he thinks that that, again, is something that the public health officials will tell them and have told Mr. Miller.

The other effect that has been asked or questioned is doesn't that mean that they must annex. And what he said earlier he believes is the case, and that is that the agreement between the city and township says the city will not seek or force annexation of any of the property that is within this territory. So that means there isn't forced annexation. That does not mean there isn't voluntary annexation, but that's a different issue. They are not proposing this development so that people will be forced to annex. They understand that there are rules that the city has adopted over the years for extending their services. Those rules effect city as well as township residents. But the agreement that was entered into is clear, there will be no forced annexations any longer within this

territory. So their view is that that issue is not relevant for purposes of the consideration of whether the development should proceed. That doesn't prohibit anybody from voluntarily annexing property. This developer or anyone could do it if they so choose, but it is not something that the city can promote or require.

Mr. Black said to Mr. Williamson that Mr. Miller shared with them this letter from the Northwest Water and Sewer District for sewer. Do they have a similar letter for the water. Mr. Williamson said he does not have a letter, he has spoken with both Rick Theiland, who is the city zoning and economic development director, and he also spoke with their lawyer, Pete Gwyn, about this issue a number of times this past week to confirm. Now, he does have a copy with him of the newly enacted city zoning code which has a municipal utility extension overlay provision which he could make available which sets forth the requirements under which the city will extend utilities to property outside the city jurisdiction. That code was written based on the 99 year agreement as well as other issues. Mr. Black said so the city would build the facility as well as provide the water. This would not be the Northwest Water District doing it, it would be city water in it. Mr. Williamson said that is something that they, he believes, will tell them they need to work out, and the way they do it is on a cooperative basis, not a competitive basis any longer. Their view is that if it's more economical and appropriate for the district to do it, that will be the case. But at the end of the day it will be that the city provides the sewer and water services. Whether it's through district pipes is yet to be determined. But the question of whether it will be is not an open question from what they have been told. They were told that they could represent on behalf of the city that, in fact, the service of water will be made available, and beyond that that this zoning request, in the city's view, is consistent with the city's ideas of how its master plan should be utilized in the outlying areas.

Now, importantly, what they did say as well is that if you are proposing something that is inconsistent with their master plan, they might not provide water. So if you want to put commercial in residential, they may not do that. Well, obviously that's not what they are asking. They are asking for residential consistent with existing residential growth. So the city's view is then that's not a problem both in terms of the water and also the zoning.

Mr. Black asked if any of the members had any questions of Mr. Williamson, and he asked if Mr. Garn had any questions, and he asked if that concluded his presentation. Mr. Williamson said the only thing he would say is they would like the opportunity to respond appropriately to any and all the comments that they hear this evening. Mr. Black turned to Mr. Garn, and he said he was going to go open some doors because he thought it was probably going to start getting warm in here since there is no ventilation in here at all. Mr. Black asked if there was anyone present who wished to speak on behalf of this application either for or against. He said they will start over here and work their way around. Anyone in the front row, second row. Yes.

Bob Beyer addressed the commission regarding this application. He said he is directly east of the property. He is not in favor of it. He believes this commission set a precedent about 5 years ago when the property two parcels down, they wanted to plat that out, and it was turned down because of the density. He thinks that set a precedent for the north side of Neiderhouse Road being larger lots.

Ken Sattler addressed the commission regarding this application. He said his concern here would be the easement and the expense on the taxpayers and the township to service this subdivision. You have a quarter mile from Eckel Junction down to this subdivision. You have a ditch that needs to be filled in at taxpayers' expense. Mr. Black asked if he was on that side, and Mr. Sattler said yes. You fill the ditch in, you are cutting driveways out, putting driveways back in. There is no easement there to speak of. There is no room for a walkway. If they widen the road, it will be on top of the ditch, so they have to buy more property for a walkway. They are putting a walkway in which is going to go nowhere. People are going to want to go up to the store, they can't go. So they will have to buy more property to get along Eckel Junction so they don't get run over to walk up there. There is no easement for the water and sewer at this time. They have to buy an easement for that. It's going to be very expensive for the taxpayers of Wood County and Perrysburg Township just to service them with utilities, and just to get it so it's a workable project. Right now it's not workable. With what they are going to do to theirs, there is no doubt in his mind what they are going to do with that quality of work. But from that point down to the other residential areas, it isn't going to work. It's going to be a very expensive project for the taxpayers. He is sure there is an option on just about every piece of property around that once that sewer hits past Eckel Junction down to Neiderhouse. It's something that at this time that the township cannot afford.

Mr. Black asked if there was anyone else in the second row. The third row. Anyone over here that would like to speak. The first row is the applicant. Second row, anyone like to speak. Why don't they start here and work their way back.

Mark Lajoie addressed the commission regarding this application. He has a couple of things here. A year ago it was turned down, and both requests, at the county and then here at this level, and then it was withdrawn. He does not believe, and typically he does not know if they should read the comments from the last board before here where it got turned down unanimous, and was that true at the PC. Mr. Black did not think it was unanimous. Mr. Lajoie asked if it was turned down, though. Mr. Black said yes. Mr. Schaller asked if he was talking about WC or here, and Mr. Lajoie said WC. Mr. Black said oh, WC. Mr. Lajoie asked if they typically read what their recommendation is when they start this meeting. Mr. Black said yes, there is a dispute as to whether it was unanimous or not based on the information. Mr. Lajoie asked if it was in dispute that it was turned down, and Mr. Black said no. Mr. Lajoie said he did not hear them state that publicly, and he thinks they are supposed to do that. He could be wrong. Mr. Black said they have not gotten to it yet. Mr. Lajoie said usually when they start

that. But anyways, he said last time Mr. Black was the only one that voted for this. But he has a couple of things that he wants to get clear here.

In this diagram, the one that was passed around to everybody. If you look at that, there is a lot of two five-acre tracts of lands. He does not want to get into the debate again about what the five acres are. It's a waste. But they were here before we were here. If they weren't for sale, it just does not kind of fit. That being said, though, he does similar to what Mr. Miller does. He can't speak out of both sides, but he can speak what he would do, and what he thinks the community would. Even the people behind him would not even like what he is telling them, but it was stated before an R-1, R-2. If you look at what's on the map, the R-1 is basically seven homes and a retention pond. That R-1, it's a lot of cosmetics. Mr. Miller does a nice job. He is not saying he doesn't. But for here, he even asked him. Mr. Schaller asked him, have a meeting with the community. Nobody at the community said they were for it, and there are some people that will speak out, and some people that already have. The density is what they have against it. They didn't even like what he said. But he understands you have to balance things, but even as this is, it was stated a year ago, R-1, R-2. They got seven homes of R-1, a retention pond that goes in R-1 that has to be somewhere. So cosmetically it looks good to put it in R-1 when it does not mean anything. Take the retention and put it in the R-3. But he asked Mr. Miller when he did talk to them, he wanted some input. What they would like, what he would like, because he does not want to speak for everybody else. But they have 300 foot setbacks on that road minimum. If they had 300 foot setbacks to the back of these houses because they are backed up to them, and if they had R-2 in the center, that would be better. He realizes they can't just say we don't want growth. That's hard to do. Their hands are kind of tied. And if you came back with what they recommended, it would be difficult for the PC to tell him well, we know we told you last year that it was R-1, R-2, but you came back with an R-1, R-3. They only lost two homes from last year's. If they had 30 percent of these houses in R-1 and 70 percent in R-2, and these are just arbitrary numbers, but if there are 81 homes in R-3, and seven homes in R-1, it's not really what they were asking. It's not what WC was even recommending. It does not fit as far as what is there today.

And getting to the gentleman about the road. If the developer was willing to pay, because the cost, you cannot have Thompson Road go wide, go narrow, and go wide again. It only makes sense to open it up at their property again. But the amount of money that's going to cost right there. How do they even know what it's going to cost. They don't know. And Mr. Smith will be talking here. They don't even know where the water and sewer is coming yet, how it's coming, or how they are going to obtain it going through the center, down the center. Are they going to buy right-of-way. Is there going to be lawsuits that someone could stop this. He asked Mr. Miller, if you don't have this worked out, and the cost from them because they live here over and up this road. And he even said, did you think about an R-2, but he said he would lose too many. He respects that he would lose them, he just does not know what that number

is. Try those numbers there, too. Go to an R-1 and R-2. But if you don't have their costs, he asked Mr. Miller, I don't want you to try to get this rezoned and then abandon the project because it becomes too top heavy. Litigation, don't know where the water/sewer, who's paying it. If the township would say would you be willing to put that road, widen it all the way from Neiderhouse to Eckel Junction. Because there is a point where if he does not know what his total costs are, why do they even want to rezone this land if he does not know how it's going to happen. The gentleman here, they are not sure how the water is going to come, but they are going to make it feasible for one or the other to bring it down, but he does not know if these questions are answered yet. He does not know. He does not know if anybody has these answers. But the biggest thing is is what that road is going to cost to widen. He has no idea. That is the primary and the secondary is once that water and sewer is there.

Mr. Lajoie said he has said to them before, if you tell them no and you kind of tell them what you want, they are going to come back. It's a great place. If they are going to, and if they are prepared to have the township pay for this road to widen it, even in this quarter of a mile, be prepared to tell developers what they want to have. Let's have this township like the city. It is a great place, and they will come back. It's like when he mentioned Brian McCarthy, and he told Mr. McCarthy before, he said no one has ever told him no. And he came back, and he cut it down a few. But if you don't tell them no. Even when Mr. Miller came back. He said they will be back. They will be back. Because it's a great place. He understands you can't tell them nothing. You can't say no, not in my back yard. And that's not even a popular stand with a lot of people that are in his community. But he is just telling them just what they told them, and what the PC told them, R-1, R-2, talk to the neighbors, make it compatible, make the offsets. Just like the road. When they saw that paper that he turned to everybody, you can see those chunks of land that are already diced up. All they want to have is some compatibility. That's all. That's all he is asking. Mr. Black thanked him and asked if there was anyone else in the second row.

Tammie Lajoie addressed the commission regarding this application. Actually she asked if she could ask the gentleman that spoke about the water a question. She apologized for forgetting his name. She asked if he could put that in writing. She said he said he spoke to them. Can he guarantee to her no way will she be annexed. It's a simple question. He already talked to them. Can he put that in writing for her. Mr. Williamson said anyone is free to call the city or the township, for that matter, and ask the same questions. Ms. Lajoie said but you are representing them. He stood right here and said that he is representing them. She wants him to put it in writing to her. Mr. Williamson said what he said on the record is sufficient. Ms. Lajoie said she was sorry, but that was what he said, and she wanted him to put into writing to her you run your water and sewer, don't annex me. Because if they annex them, it's going to be their fault. They are going to take them, and they know it. They want to take them.

Mr. Black said there are agreements. There is an agreement that's nobody's fault. Ms. Lajoie said there are agreements all over the place. Mr. Black said that's fine if she wants to believe that, she is able to believe it. Ms. Lajoie said this lady right here is going to tell them that they will be forced to. Mr. Black said she can speak then. Ms. Lajoie said but if he represented that he would. Mr. Black said he is representing what the agreement is between the township and the city. Ms. Lajoie said 99 years, she wants him to sign an agreement with her that she will never be annexed. Mr. Black said that was unrealistic and thanked her. He asked if there was another lady that wanted to speak.

Kim Swartz addressed the commission regarding this application. She said she is 100 percent opposed to this development. She thinks it would be an improper use of the land. As it exists now, they have five-acre parcels primarily up and down Thompson Road around this property. Her husband and she own one of those parcels. They chose that site because it was zoned agricultural. They deliberately sought that out and sought that development out for that reason. That particular piece of property that they selected had been before this commission before, and they upheld the fact that it would remain a five-acre parcel and not become a subdivision. And they would like to see Neiderhouse Road remain that way. And she thinks that that density is far too great. She thinks it's a mockery that he would be here last year with 90 houses, and come back and present 88 this year. Reduced by two houses. Is she the only one that finds that odd. And she knows there are a lot of people here that did not speak. Was there anybody here that was in favor of this. Many audience members said no. Mr. Black thanked her, and she said, you represent us. Mr. Black asked if there was anyone else in the second row.

Bill Swartz addressed the commission regarding this application. Like he said last year, the majority of the parcels on Neiderhouse and Thompson that are around this parcel are five-acre parcels. There are a few that are one or slightly less than one acre, but the majority are five-acre parcels. And to call this a transition, he does not see how that transitions. He knows down at the PC they showed some densities, 2.1 here, 2.1. He believes they said theirs was 2.195. Well, all the rest of the parcels on Neiderhouse are pretty much .2. And he does not see how you call it a transition from some of the higher density of 2.1 to their 2.195, and you are transitioning to .2 units per acre. He does not consider that a transition. And he agrees with Mr. Lajoie that the amount of R-1 that they have, if they want to transition, why isn't it all the way around and have a little higher density inside, although that would not be his wish. His wish is that it remain agricultural. Let him develop it as agricultural. And from what he read in the zoning book, an agricultural lot has to have 150 foot of frontage, not 100 feet. Mr. Black thanked him and asked if there was anyone else.

John Hunter addressed the commission regarding this application. A couple of points that came up, and he wants to start with the traffic study. They had the informational meeting about two weeks ago, and he was surprised at that time that they didn't have

the traffic study complete. And when he hears the results this evening, he begins to understand why. Because they didn't want them to have the benefit of the traffic study. And ultimately what they have done is they have taken a microcosm of what's going out on Neiderhouse Road. And he does not know if the members are personally familiar with Neiderhouse. It only goes to two ends, down on Thompson, down on 199. They didn't look down at what happens down on 199 that takes you into the city. If you come out of Perrysburg on 199 on to Neiderhouse (end of side one). He guesses 88 houses gets farther than Neiderhouse. They said they don't think that matters. They are not even going to look at it. Well, strangely enough, he does not understand why they did not look at it, because he thinks it matters. Because what's going to happen is if you come out on Neiderhouse, which he understands on the drawing, apparently there is going to be an exit on to Neiderhouse from their development on West Seabreeze, wherever that is. So you are going to come out of West Seabreeze, you can either go down to Thompson, or you can go down to 199. If you are going to go over to Levis Commons, if you are going to go over to Country Charm, if you are going to go downtown, if you are basically going to go into the city, are you going to go Thompson and around, or are you going to go Neiderhouse to 199. And the same way to get back. So what's going to happen is you are going to have a lot of left hand turns coming back from 199. They don't have a left hand turn lane on 199. They have a lot of accidents. They have that already because there is a lot of traffic on 199. The trouble is with the traffic study that has been done, they don't know how much traffic because they didn't look because they didn't care, or they didn't look because they didn't want to know.

In addition if you take a look at the other access, let's say you are going to go up Thompson Road, where else didn't they look. They didn't look up here at Eckel Junction. At Eckel Junction you have Stone Gate Villas, you have everything that comes off of Eckel Junction, and again, that's the corridor that puts you out to Route 20. Once again, what's going to happen is you either go down Neiderhouse to 199 which does not have left turn lanes, or you are going to go out and sit out there at where Eckel Junction runs in, and you are going to go down to the lights on the corner. Now, he does not know if they have been down to the corner there by the crossroads. It isn't a ten second delay. He goes that way every morning when he goes to work, he goes that way every night when he comes home. He goes that way on the weekends. If you go out there now on a Saturday or Sunday morning trying to get out of Lowes or get on to Thompson Road, there is no light, and he does not think you can see it here. But basically up here is the service road that gets you to Lowes, to IHOP, to everything else that is out there. You will sit at that light sometimes for two cycles sitting out there at the light at Thompson and 20. You also can't get out because they put it so close. They put that CVS, or Rite-Aid, or whatever that drugstore is on the corner. You can't get out of the access road. You can't get on to Route 20. And again you will sit for two or three light cycles. Did Feller Finch look at that. No. Why didn't they look at that. He does not know. His supposition is quite frankly because it's a terrible intersection anymore.

The same thing he can tell them from personal experience right there at Eckel Junction and Stone Gate. Three weeks ago there was a car accident right out in front because there is so much traffic coming there. He does not know if the people got hurt. The ambulance was called because he called them. This was at ten minutes to seven in the morning they are out there running into one another because there is so much traffic going out there. Now all of a sudden again you want to put 88 more houses out there. They didn't look at what happens to the traffic there at Eckel Junction and Thompson. They took a microcosm and said well, okay. If you take a look here where everything is down to this end. They looked here, and they looked here, and everything going down south is rural and agricultural. Well, the fact of the matter is all the high density that has already been let in up here they didn't look at. They didn't look at where the traffic is going to go. It's either going to go up here, or it's going to come down across Neiderhouse. They didn't look there, and he thinks it's intentional they didn't look there, because they all know what the answer is. The roads aren't big enough. The intersections aren't appropriate for that type of development based upon what's out there today. So you are either going to have to widen both Thompson and Neiderhouse or do something else to accommodate that much growth.

Secondarily to that, Mr. Williamson spoke about how all this fits the master plan. Well, again, they didn't share that with them just like the traffic study. The fact of the matter is he does not think it necessarily fits the master plan as ultimately developed. He might not disagree with him that the master plan said hey, this was supposed to be residential out here. But the fact of the matter is what they did when you look farther down again here on Neiderhouse is, and what Mr. Williamson says off of what he provided was okay, you have got these lots over here. They intended those were to be residential higher than an agricultural use. That may have been intended. But, in fact, what has happened is the only things that you see contiguous to this despite the master plan are the five-acre parcels. The same thing is true, in fact, if you go directly north here. What's happened is five-acre parcels. If you go directly to the east what happened was five-acre parcels. So the master plan might have been to say hey, this is going to be higher density over here. The fact of the matter is that's not what's been developed. So it's wonderful to say that it fits the master plan, but it does not fit with what actually happened. The master plan was 1993. This is 2006. 13 years ago maybe that was the plan. That's not what happened.

Finally with respect to the Schmakels, it's interesting that they are not here this evening. He assumes that's who the letter is from. Mr. Black said yes, it is. Mr. Hunter continued, they were here last time, and there were some questions asked. And what he does not know is what was given to them. Mr. Miller indicated at the meeting that certain promises had been made to them. He has not seen the letter. He does not know what was promised to them. But the fact of the matter is he finds it a little disingenuous to say oh, gee, these guys are in support of this when you don't mention the fact, well, we've also promised them certain things. He does not know what was

promised to them, and they are not here to speak for themselves. But a little bit of a brain assault he would take with somebody who says well, gee, we are in favor of this. Well, okay, what are you getting to say that. Well, I don't know what was promised to them. The fact of the matter is it does not fit as he thinks a couple of people have pointed out. The last time it was 90 lots. This time it's 88 lots. It does not fit because it does not fit with the five acres, it does not fit because it's simply going to be unsafe for the existing infrastructure.

If the township wants to come in and say, gee, you know what, we recognize that. Mr. Miller has said well, we will widen part of the road. Township, you have to figure out the rest. Maybe, maybe that corrects the problem with respect to Thompson, at least to the extent of the road width. It does not answer whether or not you are going to get stuck having to put a light in at Eckel Junction, which he thinks is a distinct possibility. Again, you have people coming out of Stone Gate, you have got people coming at Eckel Junction. You have people coming this way, and now you are going to add 90 houses to the south of that. So you are going to end up potentially with a traffic light there on Thompson, and he does not think anybody has talked about that. And again, they didn't look. They did not take a look at that corner that is within a half a mile of this development and where their development and their road would come out.

His final comment would be he understands somebody is going to develop that, and he understands it is not going to be five-acre lots. It does not have to be 88. It simply does not fit. They were told last year to come back with an R-2. They were told to come back with something different. And instead they go out, and they at least seem to acknowledge okay, we have to do a little bit here, and so that's what they did is a little bit. They took out two lots, facially said you have got R-1 along Neiderhouse Road. R-1 along Thompson. Give us what you would not give us before. He strongly urges the commission not to give them what they could not get last year. Make them come back and do it right. Mr. Black thanked him for his comments, and the audience applauded.

Don Smith addressed the commission regarding this application. There is one thing that he wants to point out to everybody. Mr. Williamson did not point out that if they do get this water and sewer out here, they are going to be required to sign papers for annexation. It might be a 99 year agreement, but they also had the memorandum of understanding here awhile back. That was broken. So they don't know how far down the road this 99 year agreement is going to last. He can't put it in writing and say they are going to be there. He knows better, and Mr. Smith knows better. They don't know if a year from now they break this 99 year agreement, here they all are with signed papers. They are going to annex to Perrysburg whether they like it or not. He disagrees.

And another thing, on this particular drawing they are trying to tell the commission that this is R-1. This is all retention, and open space, required right-of-way. How are you calling this R-1 right here. This is the only place that is R-1. This is all retention. They have to have that. What are they going to do, move these out here. Move this over here. What they are trying to say, they are going to move it anywhere they want to once they rezone it. They have got this specifically where this is going to remain. Right now there is no houses as far as R-1 here. The only R-1 is right here. If you come down here and look, you can see there is no R-1 here. So that is what he is opposed to. It just don't fit in the community. Everything down the east side of Thompson Road all the way down to Neiderhouse is all five-acre parcels. Down the west side of Thompson Road is all five-acre parcels all the way down to this particular parcel.

And another thing he would like to have Mr. Miller answer to him like he did at the PC in BG is where is this cut for Mr. Schmamel that he wants to cut on to his lot. Could Mr. Miller point that out to him. Mr. Black said you mean Mr. Schmamel, and Mr. Smith said Mr. Schmamel. He wants to cut on to his property. Mr. Miller said he just wanted to make sure that this west breeze line was stubbed up to his property line. Mr. Smith said he better stub it so he can develop that or something later on is what he got out of this, right. Mr. Miller said he did not know, that was his request. Mr. Smith said why do you put a stub there if it isn't for future development. You don't put it there for nothing. Mr. Miller said it very well could be his land which gets more into that they are transitioning down. Mr. Smith said well, transitioning down. You call this transitioning down. He calls it transitioning a lot of density here.

Mr. Black asked Mr. Smith if he had any other comments other than the density. They have talked about those issues. There have been some very articulate people up ahead of him. If he has new issues, let's address any new issue he wants to bring up. Mr. Smith said the only thing from Oakmont further to the west or the east, that is low density. You take Oak Meadows, and you go from there on south, they are all one or one and a quarter acres or better. That's where they transition into the five acres from Oak Meadows. Mr. Black said he knows. They have talked about the density. Does he have any other issues that he wants to address. Mr. Smith said they just don't believe it fits the community, and it's not compatible. Mr. Black thanked him. Mr. Smith asked how many people present agreed with that, and some of the audience members applauded.

Tom Harbauer addressed the commission regarding this application. He owns farm ground south of this development, and he is strictly against this. It does not fit at all. And when you talk about one house on five acres, and 88 houses on 40 acres, that's not very compatible.

And one thing, he's concerned about this water and sewer. If it comes out any further, he is going to get an assessment on his farm for bare farm ground. He has absolutely

no use for that water and sewer, and he does not want any assessment on his ground. And if people think they don't have to sign that annex agreement with Perrysburg, they better think again. It may take Perrysburg a long time, but they are going to gobble up this township if you keep putting these developments in. Because these people have to sign that agreement. Mr. Black thanked him.

Barbara Harbauer addressed the commission regarding this application. Mr. Williamson has referred to the City of Perrysburg Comprehensive Plan, but she has been reading the Wood County PC Comprehensive Plan. There are three things that have been stressed over and over again in that plan, preserving farmland, maintaining the quality of life of the residents, and concern over scattered residential patterns. This proposal is a scattered residential pattern. Everything else in the acre is five-acre lots. This does not abut to Oak Meadows as they have related last week at the PC and tonight. The corner tips of these two entities touch. That is not abutting.

Another thing, in the WCPC Comprehensive Plan stresses less density the further out you go. There is no map out, but at Route 20 they have commercial. Then they have houses and condos and apartments. Then they come down to the five-acre lots, and now you are talking an 88 housing development out into the five-acre lot area. This strictly does not fit. She used this scenario last week to the PC, and she is going to mention it again tonight, the Cinderella Story. The glass slipper are the wonderful five-acre parcels that most of these people live on. The housing development is the ugly stepsister trying to get her foot into the glass slipper. It just does not fit. She has figured with 88 homes, two children per home, 176 children. She has figured that might be 11 or 12 classrooms in a school just for this housing development.

She is concerned about the traffic. Thompson Road is almost impossible to drive on or get in and out of driveways without this development. She finds it odd that the traffic study was so vague. It was also vaguely given last week at the PC and again this evening. They will notice that they were told that it was an A rating, but no where did he mention until he was pressed last week what the numbers were. If he would answer a few questions on that, she would like to know when these traffic studies were done, and what days of the week, the times. She would like to have some figures as far as what they were referring to as the traffic.

Mr. Black thanked her, and she said she was not quite done. She would like to see this stay as five-acre lots. She does want the people in the room who live on Thompson or Neiderhouse Road to be aware, as Mr. Smith said, that they will be required to sign an agreement for annexation to the City of Perrysburg. There was a reference made to the 99 year plan. They all know that this is under discussion right now, and if either party break any of the rules of the 99 year agreement with the city, it will be nullified. And don't think for a moment that that could not be purposely broken by the city in order to get their hands on the area that most of these people live at.

She is concerned about covering the ditch. It was vague as to whether they plan to do that or not. Many acres still flow from the south into the Thompson Road ditch. Part of it has been covered to just south of Eckel Junction Road, but those of them further out have concerns as to whether the water flows as well now as it did before.

She also wants them to be aware that even though they are not talking about doing any widening on Neiderhouse Road right now, Neiderhouse Road does have only a 40 foot right-of-way by dedicated plat. They are talking about a bike trail or pedestrian trail. She has to question where this is going to run. Are people going to be in his development on this path and then suddenly be out on to Eckel Junction Road or Thompson Road. She also questions who will maintain this bike trail or pedestrian path.

So there are so many questions, unknowns, she just believes this is a very big mistake for them to put a housing development into this area. All of these people built on those five-acre lots, as someone else related, because that is how it was zoned. Five-acre large lot agricultural, and that is where they built their homes. And now this is creeping out, intruding on the area that they were led to believe would stay as this large lot area. So please, she asks them to deny this request this evening and to work for something with much less density, and she would herself like to see it be five-acre lots. She thinks that would be the perfect transition. If they looked at a map of the total area, and maybe they have it in their information, but it has not been shown to the audience this evening, the northern property of this whispering winds is midway between Eckel Junction and Neiderhouse Road, and yes, they have a heavier density north of that with Oak Meadows, or Shannon Hills, or the Stone Gate Villas. But this would be the perfect place to stop that, to make it flow into the consistency of the five-acre lots that are already there. She would like to hear about the traffic study. She would like to hear some numbers, and she is sure that most of the audience will find this very interesting because she feels like this has been withheld from them. Mr. Black thanked her, and the audience applauded.

Mr. Black asked Mr. Garn if he would like to read the WCPC letter into the record. Mr. Garn read that letter into the record. Mr. Black thanked him and asked if any of the members had any comments, and there were none.

Mr. Black asked if there was a motion to approve the rezoning application. Mr. Williamson said they are prepared to respond to traffic issues and anything else that comes from the commission after that. Mr. Black asked if there was anything that the members would like to see further discussed beyond the traffic study, and the response was no. Mr. Black told them to go ahead.

Mr. Feller just touched briefly on why they analyzed what they did. They analyzed the Neiderhouse and Thompson, and their existing condition and their future condition. Both were a level of service of A. This proposed subdivision did not increase that level

of service. As Thompson Road gets up to Eckel, and north of Eckel there is a left turn lane for Eckel Junction, plus north of Eckel there is a double left turn lane and the road is a lot wider. Given that plus the small impact that they found on the narrower section of road, they did not feel that it was necessary to analyze that intersection because there was hardly any effect on the road as it was. Once the road gets bigger, it's going to have more capacity. There are left turn lanes there, so they did not feel the need to analyze that. They didn't analyze the intersection at 199 and Neiderhouse because based on their analysis, there were so few cars going that way anyway. And even if the number of cars was underestimated, there is still not that many cars coming out of the development on to Neiderhouse. Even if they all went that way, it's still a very small percentage.

Mr. Black said he thinks it's a valid point, to get into the core of Perrysburg, 199 would be a major artery going in. Mr. Feller said he would agree with that. Mr. Black said he would think anyone going to that area from the area of the development would, in fact, be going probably to 199 from Neiderhouse, turning right, and then coming back, turning left. Mr. Feller said right, but the fact is the subdivision itself isn't generating that much traffic.

And like he said, even if they underestimated, it's still not a lot. The traffic counts that he analyzed Neiderhouse on, since he had to use Team-a-Cog's number for the actual highway capacity analysis, and Team-a-Cog did not have any counts on Neiderhouse. What he did is he used the counts on Roachton which he is sure are going to be much larger than what actually is on Neiderhouse. So Neiderhouse was analyzed using the counts on Roachton Road, and it's still level service of A. And being that the development really is not generating that much traffic, they didn't feel that it was going to have a major impact on that intersection. They can certainly analyze, but that's why they didn't.

A question was asked what the counts were on Neiderhouse Road that they actually took. Another question was the time of day, please, and the days of the week that these studies were done. Mr. Feller said they took counts on a Monday and a Saturday both from 6:00 a.m to 7:00 p.m. straight. They found that the counts on Saturday were actually higher, and that's why they based everything on the Saturday peak hour. In the Saturday peak hour the number of cars on Neiderhouse, going west on Neiderhouse, north on Thompson, there was a total of 11 cars all day. That's what they took from the field. There were rumblings of dissatisfaction from the audience. Mr. Black asked if that was taken just one day, and Mr. Feller said those are actual counts. The counts on Neiderhouse, and Mr. Black interrupted and said please be quiet because they can't get a recording. Mr. Feller continued saying the counts on Neiderhouse going south on Thompson, which would be right turns, was a total of 63 for all day long. So there is really not that much traffic on Neiderhouse. And if anybody wants to see any more detailed numbers, they are welcome to look at the traffic study. Mr. Black asked if Mr. Williamson had a comment.

Lane Williamson addressed the commission again. He said they would sum up their viewpoint. They have already presented all the evidence that they think the commission needs to make a decision. They have heard a lot of comments, and they understand that people have questions. That does not necessarily mean that they have presented evidence. The commission has heard evidence regarding traffic from a qualified traffic engineering firm. They have heard people who live in the vicinity speculate on what they think will occur. There is a difference in terms of who is qualified to present evidence to them which is what they use to make their decision. They understand that sometimes people don't like change. They understand that. But this development, in their view, does not constitute the kind of change that is being presented to them this evening to be in a way that can't be addressed by the mitigation efforts that have already been proposed. They have talked about the services that will be provided both by the township and by the city. Those have already been committed to. To raise a question to suggest that there is still an open issue is disingenuous. There is nothing more that can be presented to them in terms of evidence unless they bring in the public officials that have either written letters or have made the statements to them.

As far as the other impacts, they have really focused it on it's not compatible, it does not fit. Well, they don't understand exactly what that means in the abstract. This is lower density than what the developments that are adjacent to this actually produce, so it is less dense. But you can't talk about density in the abstract without saying what is the actual effect. They have talked about that this evening. They have tried to present evidence that suggests that they believe that those are manageable to the extent that they even exist.

So again, they understand that there are questions and concerns. And he guesses the point that was made earlier is probably in their view the best one, and that is that this site is going to be developed at some point. And the question is how it gets developed, and by whom, and frankly in what territory. And this developer continues to come to the township because this developer believes that it's appropriate this property be developed in the township as has been proposed. And what seems interesting is that as the meetings occur, and as the comments are made, the developer responds with additional either concessions or answers, but those aren't accepted because people don't want the change. They respect that, but that isn't necessarily a reason to turn down this zoning request, the evidence is. He thanked the commission, and Mr. Black thanked him.

Mr. Black then asked if there were any comments from any of the members or if Mr. Garn had anything to say. He then asked if there was a motion to approve this zoning application change. Mr. Schaller moved with a second by Mr. Benavides to approve the zoning application change. A roll call vote was taken. Yes votes by Mr. Benavides and Mr. Black. No votes by Mr. Schaller and Mr. Rometo. Mr. Black said it's a split vote,

and the next hearing will be at the township trustee level. And with a split vote, the township trustees are going to have to vote unanimous to overturn as he understands that. He asked Mr. Garn if that was right. In other words, a split vote is identical to a no vote because it had to be approved. It was not approved because of a two to two vote. In other words, the split vote this evening means the same thing as a no vote. That the application was not approved. So then what happens, it will go to the township trustees. They will vote on it, and they would have to vote three zero in favor of it to approve the zoning application change. It was asked when that would happen. Mr. Black said that will be up to the trustees, but that will probably happen in the next month. And it would be important for all of them to be there if they are interested in it. And that's a public hearing. It will be a public hearing that night whenever that is.

Mrs. Harbauer asked if she could ask again because she could not understand the man about the hours the traffic study was done. Mr. Black said she could talk with him afterwards. The hearing is now closed. Mrs. Harbauer asked if it was a thirteen-hour period both days. Mr. Black said yes. He said this hearing is now closed, and he thanked everybody for coming this evening.

PUD AMENDMENT – MAJOR/MINOR. STONE GATE VILLAS. Dean Radeloff, PE, of Jefferson Development, LLC, the developers of Stone Gate Villas of 26890 Thompson Road, are requesting to change the location of a portion of their entry wall and corresponding signs. This change is being requested because of the location of a storm water catch basin.

Dean Radeloff addressed the commission regarding this application. His comments are picked up in progress because the tape was turned off while the audience was clearing the room from the public hearing. That parking area in Thompson. If they were to locate, and they can see in attachment one, the planned view on attachment one, if they would locate the wall where it was approved, that basin would be cut off from drainage. Mr. Black asked if attachment one is the way it was originally intended to be installed, and Mr. Radeloff said correct. He went and talked to the designer, and the landscape designer who designed that to leave that wall out. He came out, they looked at it. Their conclusion was that adjusting the actual radius of that wall, that 30 foot radius, bringing that down to about 15 feet would set that wall then in front of the catch basin allowing drainage off the parking areas, and would still allow for the purpose of that wall, the architectural purpose of that wall, which essentially is to block off from Thompson Road, provide some sort of screening barrier between Thompson and the parking lot. Mr. Black said that's just the one side. Mr. Radeloff said the other side, they would keep the same radius as the other side so it balances. They wouldn't have a bigger radius on the one side, and they would keep them the same so they would balance.

Mr. Black asked Mr. Garn if he had any comments. Mr. Garn said they are doing this on the sign sort of again at the same time. Mr. Radeloff said that's right. He was here a

couple of months ago for the sign issue, and it was approved. They came to an agreement. The locations of the sign would be in front of that wall. So the signs would be moved again relative to the location of the wall. They would be in the same relative location with respect to the wall. Mr. Black said the same size, and Mr. Radeloff said yes.

Mr. Schaller said why don't they just put another catch basin in on the other side of the wall. It's only a yard basin. Would that be difficult to do. Mr. Radeloff said it would not necessarily be difficult to do. The problem is how they will have that landscaped, you are going to have a landscape area in front of that radius. So you will have this catch basin in this landscaped area, and it's a fairly large catch basin with a pad around it. It's about a four by four foot area. They are going to have some mounding within that to show off the landscaping. He does not think it would look nice. And functionally it would not function that well. You would have mulch and other things draining into it.

Mr. Black asked how that area in front drains then. Mr. Radeloff said the area in front they will have to put in the radius that will be mounded so the water will shed off. It will run down then the wall, and they will have to have a weave system in the linear portion of the wall to allow water to go between Thompson and the catch basin.

Mr. Black asked Mr. Garn if he had any comments. Mr. Garn said no, this will just help clean it up again. Mr. Radeloff said the wall will be of the same construction and the same look. It will have the same fencing on it, have the same stone so it ties it in with the buildings.

Mr. Black said he was concerned about if that catch basin was designed to drain the water from the Thompson road right-of-way back into their sewer system how that water gets back into their sewer system now with the catch basin on the other side of the wall. Mr. Radeloff said there is a significant more sheet flow coming into that basin from the drive and that, and their idea was to put in a weave system to allow drainage, because obviously they have to get drainage off of Thompson. They have to do that. Mr. Black said right. Mr. Radeloff said so they will have to have some sort of weave system in that linear portion where there won't be a grade, and that will allow water to get back through that wall. Mr. Black said okay. Now, is that reflected in there, this weave system. Mr. Radeloff said no. Mr. Black said that's what he is a little concerned about. They don't show anything on this drawing that really reflects that. Mr. Radeloff said okay, he can add a note if they would like him to. Mr. Black said he really is not sure what a weave system is. Mr. Radeloff said they would have to put some sort of voids in the wall to allow the water to pass through it.

Mr. Black asked if any of the members had any issues with that. He then said okay. He asked if there was a motion to approve. Mr. Benavides said he would so move, and Mr. Black said as a minor amendment, and Mr. Benavides said as a minor amendment.

Mr. Radeloff asked Mr. Black if he wanted him to make that note, and Mr. Black said yes, he would. He would like that on before. Mr. Black asked if there was a second as Mr. Benavides had made the motion. Mr. Schaller was the second on the motion. A roll call vote was taken. Yes votes by Mr. Benavides, Mr. Schaller, Mr. Rometo, and Mr. Black. Motion carried 4-0-0. Mr. Black thanked him for coming in, and if he would make those arrangements with Mr. Garn.

Mr. Black said item C was deleted earlier. He asked if there were any other issues. Mr. Smith asked Mr. Black if he was aware that this is sitting over top of a waterline easement, this whole wall. Mr. Black said if the waterline easement has no restrictions for structures over it, it won't matter. Mr. Smith said he does not know, you would have to check with the Northwest Water and Sewer because they are the ones in Perrysburg that owns it. He does not own it. That isn't just a waterline easement. There was some discussion that was hard to decipher. Mr. Smith just wanted them to be aware of it. Mr. Black said they don't deal with enforcement of easements. That would be up to the Northwest Water and Sewer. And they may not even have any restrictions, because they will be able to tear it down anyway if they have to work on it. Mr. Smith said the thing is he wanted everybody to be aware of, these are going to be condo associations to take over the thing. He wants them to be aware and their condo association that this is sitting on a waterline easement so they are not going to be shocked if they ever have to come in there and tear that wall down, that they are aware of this very thing. Mr. Black said that would be in part of their title work that they get with their condo. They would get that. Mr. Smith said will they see to it that this gets put into their condo association. Mr. Black said no, when they get their title work for their condo, that's all part of the title work that someone gets when they buy a piece of property. So it will be in the title work, that easement. Mr. Smith said right, the easement will be in there, but they aren't aware of the thing. If you look, it shows it on there.

Mr. Garn said he had another item he would like to discuss. This came about at the last meeting, he thinks he had someone that had come in right before the meeting that wanted to put some park benches in Wexford. And he drove over to Wexford afterwards and took a look to see where he wanted to do this and what it looked like. And when he got over to Wexford, when he looked around, all of Wexford is full of street trees. And they have something that they put in their zoning book when they rewrote it a long time ago to help the maintenance department. They didn't want any street trees. So then he went and looked in some of the other subdivisions, and basically in almost all the other subdivisions when they have done this for over a period of time and put street trees in. Mr. Schaller asked who put the street trees in, and Mr. Garn said the developer. And these are different developers. It was McCarthy was the first one he looked at. Then he ended up at his different ones. They were not shown in Wexford and Shannon Hills in the drawings at all ever. And Emerald Lakes he does show some. He can see the dots now where he's put in for some street trees. And then the other developer that is building the Forrester Worley homes, he has put them

in. He talked to Brian McCarthy to ask him about why he put them where he did, and here all their utilities are on the other side of the sidewalk. They have been given a utility easement, and so they don't have any room. And he just thought this is something that is required in all the other communities of having street trees, so they just went ahead and did it. He thought if they ever wanted to drive through and take a look and see what they think about.

Mr. Schaller said so the trees are between the curb and the sidewalk, and Mr. Garn said yes. Mr. Black said what Mr. Garn has found out, and he forgets who he talked to, but one of their consulting engineering firms, that they are one of the few entities that does not allow it between the curb and the right-of-way. Mr. Garn said yeah, he was talking to Dave Kuhn, and he said oh, he will send them over a thing from these other communities. They list what kind of trees they want planted.

Mr. Black said what he would do, because obviously Gary Britten was probably part of that as trustee. Mr. Garn said oh, yes. Mr. Black said at their next service meeting can they just see what the trustees feel about that. Mr. Garn said he was going to take Mr. Britten over and show him, because of the auto auction, he is still harping about that. And he was going to bring that also up to them as to which direction they felt to handle the trees, the spruce trees they planted along there, because they are the wrong kind of spruce trees. Mr. Black acknowledged that. Mr. Garn said they have to lay it to rest somehow, and Mr. Smith is the only complainer about that. Mr. Black said he can't see pressing that point. It does not make any sense to him at all. Mr. Garn said he is going to go with Mr. Britten first and look at that, and try and figure out whether the commission does it or the trustees. He thinks the only reason they picked out the wrong kind of trees, because the last time when they planted them, they left the tree tags on. Mr. Black said well, just talk to them. Mr. Garn said he would talk to them and find out.

Mr. Black asked if there was anything else, and Mr. Garn said those were the major issues. Mr. Black asked if there was a motion to adjourn. Mr. Rometo moved with a second by Mr. Benavides to adjourn. All members were in favor. None were opposed. The meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Grant W. Garn,
Recording Secretary