

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

ZONING COMMISSION MEETING
April 14, 2008

The Perrysburg Township Zoning Commission held a meeting on April 14, 2008. Robert S. Black, Chairman, said good evening, called the meeting to order at 6:01 p.m., and welcomed all in attendance. 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, Arthur Rometo, and Ronald M. Hanna was present in the audience.

MEMBERS ABSENT: Jeffrey Normand.

APPROVAL OF AGENDA: Mr. Black made a recommendation that they take item III E and move it to Item II B on the agenda. He then asked if there was a motion to approve the amended agenda. Mr. Schaller moved with a second by Ms. Warnimont to approve the amended agenda. A roll call vote was taken. Yes votes by Mr. Schaller, Ms. Warnimont, Mr. Rometo, Mr. Benavides, and Mr. Black. Motion carried 5-0-0.

APPROVAL OF 3/10/08 MEETING MINUTES: Mr. Black said there has been one change to the minutes on page 9, the last paragraph, second line, ballet to ballot. He asked if anyone else had any changes, and no one did. He asked if there was a motion to approve the minutes. Mr. Rometo moved with a second by Mr. Benavides to approve the minutes with that change. A roll call vote was taken. Yes votes by Mr. Rometo, Mr. Benavides, Ms. Warnimont, Mr. Schaller, and Mr. Black. Motion carried 5-0-0.

Mr. Black swore in all persons wishing to address the commission this evening since there is a public hearing item.

ZONING CHANGE APPLICATION NUMBER ZC 2008-01. On March 6, 2008, an associate of Gary A. Yunker (lessees) of the Timberstone-Bostleman Joint Venture, and George V. Oravec of Oravec Consulting & Engineering (designated representative) brought an application to have a portion of the Henry Farm property rezoned. The Henry Farm is approximately 163 acres in size and is zoned a combination of C-3, R-3, and R-4. It is located at 9240, 9244, and 9252 Fremont Pike, which is north of Fremont Pike and west of Lime City Road. The parcel of land that they would like to have rezoned is situated in part of Road Track 9 and Road Track 12, Town 4, United States Reserve, Perrysburg Township, Wood County, Ohio. It is approximately 4.868 acres in size and is in the center of the Henry Farm. The piece of property in question is presently zoned R-3 (Suburban Residential District, Medium Density) and abuts the R-4

parcel. They are requesting that the zoning be changed to R-4 (Suburban Residential District, Medium Density). The remainder of the R-3 zoned property would remain unaffected.

Gary Yunker addressed the commission regarding this application. He told the commission that they were here before them several months ago to rezone the residential portion to R-3 and R-4, and that was in advance of them doing some sub surface investigation of the soil conditions there. And those results have indicated a large degree of rock which is in the area that was previously zoned R-3. He indicated to the members where the area is. So what they are asking this evening is that the R-4 that was previously zoned be expanded by about 12 percent to include the piece that is outside or west of the rock ledge, for want of a better term. He does not know if everybody saw it, but he has a drawing that shows where the rock kind of runs down. It's right along the east edge of the parcel that they are asking for the rezoning on this evening. That would allow this multi-family development that they have proposed on this parcel to be expanded by about 4.868 acres.

Mr. Black said as they were here last month for an informal review. As he understands it, that is the only area that they are seeking to rezone to this zoning level in that whole site, and Mr. Yunker said yes. Exactly. They have eliminated the R-3 portion of the property from their option agreement with the Henry family. So they basically have this 35 acres, which it would be if it was rezoned, and the 60 acres approximately of commercial that is under contract. But the remainder, which is about 65 acres, has been removed from the option agreement. The Henrys are going to retain that and decide what they are going to do with that property, which the rock has to be dealt with on that.

Mr. Black said to Mr. Garn, the Wood County Planning Commission met on this application, and Mr. Garn said yes. Mr. Black said, and they recommended to approve the zoning application, and Mr. Garn said yes, they did. Mr. Black said they will incorporate their letter into their record.

Mr. Black asked if any of the members had any comments, and they did not. He then asked Mr. Garn if he had any comments, and he said no, he did not. Mr. Black then asked if there was anyone in the audience that would like to speak about this application other than Mr. Yunker, and there was no one. Mr. Black asked if there was a motion to approve to zoning application. Mr. Benavides moved with a second by Mr. Rometo to approve the zoning application. Mr. Black asked if there were any further comments or questions from the members, and there were none. A roll call vote was taken. Yes votes by Mr. Benavides, Mr. Rometo, Ms. Warnimont, Mr. Schaller, and Mr. Black. Motion carried 5-0-0.

INFORMAL SITE PLAN REVIEW FOR PROPOSED DEVELOPMENT OF PART OF THE HENRY FARM. Gary A. Yunker of the Timberstone-Bostleman Joint Venture, and

George V. Oravec of Oravec Consulting & Engineering, would like to talk about the concept of having a multi-family development on the Henry Farm property.

Gary Yunker addressed the commission regarding this informal site plan review. They are the optionees of the land where this is proposed. They are not the developers of the multi-family, but he understands that the informal discussion this evening is to talk about the project as it relates to the BZA hearing that's upcoming to consider the multi-family use in an R-4 district. He would be glad to offer comments if they have questions or discussion, but he is really not the applicant for the multi-family project.

Mr. Black asked, who is that. Mr. Yunker said that is the Kimmelman Group out of Cleveland. Mr. Black said, and they will be here for the formal site plan. Mr. Yunker said yes. Mr. Black said they are just not here this evening. Mr. Yunker said they will be here for the BZA hearing, and also for the site plan review when it comes to them for site plan review.

Mr. Black asked Mr. Garn, when is the BZA meeting. Mr. Garn said that will be next month, May 20th. Mr. Yunker said May. Yeah. Mr. Black asked them when they were expecting to come in for site plan approval, after that, and Mr. Yunker said after that. Yeah. Mr. Black asked if there were any comments from the members.

Mr. Schaller said yes, he was curious, but maybe some of the revisions that are going on, has anything changed with respect to the infrastructure, particularly South Compass Drive. Mr. Yunker said well, they are working on that right now with trying to do the proposed agreement with the township, and then Rossford. They are also working with Rossford and Miller Diversified next door to extend the road from where he is leaving off, about 1,200 feet east of the boulevard, and then continue the road all the way over to Lime City Road as it's shown on their original zoning plan. So those negotiations are going on right now, but that's part of the deal. This will not happen if that road is not, and Mr. Schaller said extended through there, and Mr. Yunker said yeah, along with the utilities that would come with it. Mr. Schaller said sure.

Mr. Black deferred to Mr. Garn. Mr. Garn said one of the reasons for bringing this up was to find out if there were any comments from the ZC, because sometimes the BZA would like to have any input, because this is a conditional use for multi-family and R-4 zoning.

Mr. Black said their site plan matches up with the entire area that's zoned, and Mr. Yunker said yes, and it's assuming that when this approved, this would match what the site plan has shown there. Mr. Black asked if anyone else had any comments. Mr. Yunker said he thinks when you consider the abutting properties, knowing what the status of the R-3 is now, that really there is no chance of really developing that into any kind of residential development. And you have commercial he thinks north of that, and office, light industrial to the west, and commercial to the south. He thinks it fits within

the zoning that abuts it. Mr. Black asked him if he had what he needs from them. Mr. Yunker said yes. Mr. Black said they would then be planning to come in in June, and Mr. Yunker said yes, for site plan review, assuming they are successful with the BZA. Mr. Black said, and the developer will be here at that time, and Mr. Yunker said oh, yes. Yes. He then said maybe there will be some comments that would have come back from when Mr. Oravec submitted the preliminaries to the township. Mr. Black thanked him, and he thanked the commission.

Mr. Black asked if there was anyone in the audience that would like to come forward and discuss any other comments that the zoning commission could hear. He said seeing that there is non one out there that wants to come up at this time, he moved on to the next item on the agenda.

SITE PLAN REVIEW FOR PERRYSBURG TENNIS CENTER, SPR 2008-02. Bob Fastnacht is planning on building a tennis center on Progress Drive. This site plan has been reviewed by the City of Perrysburg. Our independent engineering firm has reviewed their plans and checklist for compliance. His review and memo are attached. Our fire inspector has also reviewed this submission.

Don Feller addressed the commission regarding this site plan review. He said that Mr. Fastnacht is also present this evening if they have any questions. First of all, he is sure that everybody is probably aware that this piece of property is being annexed into the City of Perrysburg in order to obtain utilities. The annexation is in the process now, and probably will not be completed for another 2 or 3 months he would anticipate. Mr. Fastnacht is asking for site plan approval through the township so that he can go ahead and get started on construction, so he can have his project completed hopefully by the fall, so he can start getting members and whatnot. So that's why they are here this evening.

The project, they have submitted it informally to the City for their review, and they have basically approved a preliminary plan subject, of course, to annexation. Mr. Black asked Mr. Feller if this is the plan that has been submitted to them, and Mr. Feller said yes.

Mr. Feller said they have received the comments from the consulting engineer from the review process today. There are really some pretty minor issues, and he thought he would go real quickly and just go over all the issues and discuss it. The biggest thing on number one regards the shelter house that's shown right here. What that is is really not a shelter house, it's just a pad for a picnic table with a roof on it on some poles for people to sit in the shade and want to watch tennis. Apparently that falls within the setback, and the question is whether that needs a variance or not. But he believes in the City it falls within the required setback, so it's really not going to be an issue there.

Number two regarding a lot split, he is not going to split any parcels off at this time. So a lot split won't be required.

One building on one lot. The maximum building height allowed by code is 45 feet. On their original submittal the building elevations and whatnot that they received from the architect did not show the building height. The building height is actually 44 and a half feet, he believes, and he does have a copy of the elevation if that's necessary. So it does fall within the 45 foot height.

Number four is probably he thinks the biggest issue. It's regarding this drive access right here, and also this drive. The purpose of this small section of drive right here is simply to allow access for a garbage truck to get to the dumpster which will be located right there. They are suggesting that that should be 25 feet. They feel that 20 feet is more than adequate to allow a garbage truck to get in, empty a dumpster, and back into the turn-around, and pull back out again. They really don't feel the additional 5 feet width is really necessary for that since it's just basically, again, a short piece to allow a garbage truck in and out. He guesses one-way traffic would be all. So they would just like to ask that the the 20 foot width be allowed.

The other issue is the store access drive along here, there is a suggestion that that be paved. The only real purpose of that drive is to allow whatever necessary vehicles to get in there to the back tennis courts for resurfacing, something which obviously won't occur on a very frequent basis. He does not know how often that would happen. Mr. Fastnacht said at least every 5 or 6 years. Mr. Feller said yes, every 5, 6 years. That's just to allow those kind of trucks to get back in there for that purpose at that time. Other than that, it would be used very little, if at all. And so they would just like to request that the stone surface be approved.

The next one that is required to address is signage. As far as he knows, their signage will be submitted for approval at such time as they are available.

Number six regards the hundred year flood plain. This is not in a hundred year flood plain, and they will note that on the drawings once they make all the revisions.

Seven regards this storm water position prevention plan. They are not required to submit that plan to the EPA. They are required to have one prepared and have it on site and available. The only thing they submit to the EPA is a notice of intent to do this project, which will be done prior to construction. So that's all been basically taken care of. So as far as storm water with EPA, they don't send them any kind of approval type thing. You send them a notice of intent. They keep it on file. They are required to keep the SWP3 plan on site and available. So there really is no approval permit or anything that comes back from the EPA, so there is really nothing that they can do with item 7 there other than submit the required paperwork which, of course, they will do to comply with the Ohio EPA regulations.

Number eight addresses utilities. They have reviewed the utilities with the City with regard to their requirements and what they want to see, and they have provided what they want. Again, number nine regarding water usage, sewer flows, they have discussed that with the City regarding anything needed to be done there. He believes the township fire department has reviewed this. They have reviewed it with the City fire department, and they are satisfied that they have provided what they are looking for, which primarily was a hydrant on the property, which has been provided.

Regarding eleven, he is not sure exactly what he is talking about there. They have talked with the fire departments. Everything is designed with the required sizes, and the out lane width, and center turning radiuses to allow emergency vehicles in and out without any problem.

And number twelve regarding the signature of the professional engineer, once they have made all their revisions and everything is to snuff, then they will provide the signature.

With that he guesses he would request approval of the plan subject to making the required changes. Primarily they would like to request a waiver of the requirement for the 25 foot drive for the garbage truck, and also a waiver of the recommendation for the paved area where the stone drive is. And he guesses he is not sure on the shelter house, if a variance is needed for that, since it's not really a building, it's more of just a shade thing there. With that he would be glad to answer any questions they might have.

Mr. Black said they do not know or they currently do know the 45 foot height, the 44 and a half foot height. Mr. Yunker said it's not on the plans. It's around here somewhere. Here it is. This is the elevation.

Mr. Black asked if there were any comments from the members. Ms. Warnimont said no. Mr. Black asked Mr. Garn if he had any comments, and he said no. He said their fire inspector has looked at these plans. Mr. Black said he has. So the issue at hand is the width of the proposed ingress and egress drive, on the width of the paved one, 25 to 20 feet, and the approval of the stone access for a maintenance driveway.

Mr. Schaller said he would like to address this stone surface drive. He asked if they had a stone surface drive at the south end of the building, and he asked if there was any reference to that. Then he said wait a minute. They don't show it as that. Mr. Feller said on the south it's paved. Mr. Schaller said yeah. Okay. That's a little different than theirs. Mr. Feller said on the south over here, yeah, this is all paved over here. It's just this access drive right here between the building and the tennis courts. Mr. Schaller said their information indicates stone. Mr. Black asked is this different. Mr. Fastnacht said they have maybe got an older drawing. Mr. Feller said oh, that's an older drawing. He said he was sorry. He said the new drawing, this is all paved up here. Mr. Black

said okay. So the only part is this. So the current one does show that. Mr. Feller said yes, that's paved. Yes. You can see right here. Mr. Black said their copy was given to them. Mr. Feller said yeah, they must have an out of date copy. Mr. Garn said yes, that's all that he had at that time. Mr. Black said this date is 2/12/08, and he asked what their date. Mr. Feller said 3/7/08.

Mr. Black asked if there were any other comments. Ms. Warnimont asked what about the shelter house. Mr. Black said he was sorry. It's three with the shelter house, not requiring the setback issue on the shelter house which is not really a house. With those three items, and let's go over that again, the shelter house not having a setback issue, the width of the paved ingress and egress be 20 feet instead of 25 feet, and then the stoned area maintenance access, with those changes, is there a motion to approve the site plan. Ms. Warnimont so moved with a second by Mr. Schaller to approve the site plan with those three changes. Mr. Black asked if there were any other comments from the members, and there were none. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Schaller, Mr. Rometo, Mr. Benavides, and Mr. Black. Motion carried 5-0-0.

AMENDED SITE PLAN REVIEW FOR PERRYSBURG PLAZA, SPR 2008-04.

Warren Terrace is planning on completing the buildings in Perrysburg Plaza. They are reconfiguring the building to meet tenant needs. Our independent engineering firm has reviewed their plans and checklist for compliance. His review and memo are attached. Our fire inspector has also reviewed this submission.

Warren Terrace addressed the commission regarding this amended site plan. He told the commission that they have been on this project for 5 years now, and Mr. Black said yes, they have, and he asked him to please continue. Mr. Terrace said they have completed a lease with Hobby Lobby for a 50,000 square foot store adjacent to the Best Buy. He has a proposed building next to them between what would be Hobby Lobby and Office Max, which is this space right here. It's proposed for 15,000 square feet.

Mr. Black asked Mr. Terrace which buildings are there, and which are not there. Mr. Terrace said the lighter colored buildings are there. That's Best Buy, that's Office Max, and that's Bed Bath. The 50,000 square foot Hobby Lobby is here, and then the proposed building is here.

Mr. Terrace said when he came to this meeting, he had expectations of being able to solicit several of the users that they had worked with over the years, but the economy is such that they have had a tough time. Most of them are sitting on their heels. Sales are down. He has heard them all. They at one time had talked to Sports Authority. They have talked to Old Navy. They have talked to a wide variety of the users, all of which have now turned him down. Petco. The list goes on. His partners and he have talked, and what they may do, and he guesses what he would like to do is get the

15,000 approved in the event that he is able to secure a user of that size, but what they have been talking about is they have 100 feet of frontage between the Hobby Lobby and the end of Office Max, and at 100 feet, what they would propose is to build a building that's 10,000 feet, a hundred by a hundred. They have had some conversations with Famous Footwear which would take 7,000 feet of that building, but they are in the same condition, their sales are down. They are not sure they want to do a deal right now. His feeling is they could lease up this 10,000 feet easier than he can fill a 50,000 square foot box. Either way, it finishes the shopping center, allows them to build it out, and they are done.

The parking requirement, according to the engineer, states that he needs 36 more spaces, but what the city did to him when they went through site plan approval was eliminate a lot of the additional parking that he had around the facility, in the back, along the sides. In fact, this part right here is not even striped because they wanted him to eliminate that parking. He does have his permits for the water, so he has not submitted anything to the city for this particular portion of the site plan.

Mr. Black said so there is no requirement to go back to the city on this, and Mr. Terrace said as far as he knows, no. From everyone that he has talked to, no.

Mr. Black asked if there were any other comments from Mr. Terrace, and there were none. He asked if there were any comments from the members, and there were none. He asked Mr. Garn if he had any comments. Mr. Garn said he understands that if they do give approval, it's for a maximum of 15,000 additional. And if it's anything less than that, it's still approved administratively as to the lesser amount. It also reduces the parking requirement.

Mr. Black asked if there were any other comments, and there were none. He asked if there was a motion to approve the amended site plan subject to just a maximum of 15,000 square feet, and Mr. Garn said plus the 50,000. Mr. Terrace said the 50,000 feet actually, and Mr. Garn said it's all approved, and Mr. Terrace said already has approval from the previous approval they had for the center. Mr. Garn said he believes they are just like 6,000 feet over the previous approval. Mr. Terrace said with the 15,000 square feet, it's a 9,000 square foot, again, according to their engineering. Mr. Black said the total of an additional 9,000 feet, and Mr. Terrace said correct, 9,106. Mr. Black asked if there was a motion to approve the amended site plan. Mr. Benavides so moved. Ms. Warnimont asked Mr. Black, is this putting in with the exception of the parking requirement issue. Mr. Black said yes, there would be no additional parking required. That is true. He then asked if there was a second on the motion, and Ms. Warnimont was the second. Mr. Black asked if there were any other comments by the members, and there were none. A roll call vote was taken. Yes votes by Mr. Benavides, Ms. Warnimont, Mr. Schaller, Mr. Rometo, and Mr. Black. Motion carried 5-0-0. Mr. Black said you're welcome to Mr. Terrace and told him good luck. Mr. Terrace said it's been a long road. Mr. Black said yes, it has. It will be nice to complete it.

AMENDED SITE PLAN REVIEW FOR AMERICAN ROADHOUSE, SPR 2008-03.

Jeff Bollin of the American Roadhouse of 27096 Oakmead Drive has decided that he would like to downsize the proposed patio. He would like to use the existing cement patio and posts, and place an awning over it.

Jeff Bollin addressed the commission regarding this amended site plan. He said that basically what's happened is he put the proposal in to change their patio out front, and take it out, and redo the whole thing. Well, his endeavors have not been as successful as he had hoped, and so he has scaled back. And now what he wants to do, and the biggest reason for all of this is because the previous tenant had put the concrete out front, and poured it in incorrectly so that the water runs up against the building when it rains. And what he would like to do is put a temporary canopy over that so that when it does rain, it will run off on to the parking lot, and that way he can use it this summer. Hopefully he will be more successful in the next 4, 6, 8 months, and he will be able to get around to doing what he originally planned on doing in the fall. So he is asking if he can just put a temporary tarp, you know, like a canopy over that area so that he can utilize it the way it is basically, the way it is now.

Mr. Black asked if there were any comments from the members. Mr. Schaller said when he says temporary, is he putting lights under it. Mr. Bollin said the best way to describe it is like they have Netty's Ice Cream around, and they put a pipe structure, and then they run a tarp over it. So it's more like a tent structure. And then in the fall, they will take it down. So it will just be up there to give them a place so people can sit out. And if it rains, the water will run up against the building and keep it to run out on the parking lot. Right now there is already plastic fence posts that are already anchored into the concrete. And what they plan on doing is he has measured them, and they are going to run pipe down in those, fill them full of concrete cement so that they will be strong, and then run them back up against the building, and screw it on to the building underneath the existing awning. And there will be a 2 foot area between each one across the front, and then they will have a tarp over it to cover it so you can walk out there. And they will have tables, and chairs, and that kind of thing. And the lighting out there primarily will come from the canopy that's up there that's lit up. So that will give them the lighting. It is not going to be a heavily lit area. It will be more of a give type thing. And then during the day, of course, obviously the sunlight will take care of that. But in the evening, you know, late into the dusk and that, that's when it will get used is during the day mostly. So that's what his proposal is.

Ms. Warnimont asked him if he was enclosing that at all in any way for people to walk up there. Mr. Bollin said yes, to meet liquor control's requirements, there will be a 4 foot fence in between each one. And he knows on the diagram he did not draw that in there, and he is sorry. But they are going to put just a fence between each one of them, and it will be just 4 feet high, just to create a barrier so they can't walk out on the parking lot, if they know what he means. They have to come back into the building, so that the egress and regress will be through the front door. He would

assume that some of them have seen it before, been over there, so they know with the doors that are there, they will just use those to enter, just get on the patio and back off the patio. He said he is not an architect. His drawings are not that good, but he thinks they get the basic idea of what he is talking about.

Mr. Black asked if there were any other comments, and there were none. He then asked if there was a motion to approve the amended site plan. Ms. Warnimont asked how long are they going. Temporary for what period. Mr. Bollin said just to the end of the season. You know, in the fall when they could not use it anymore, they will take it down. There was some discussion among the members. It was suggested November 1st. Ms. Warnimont said November 1st. Mr. Bollin said he would imagine, or December 1st. Sometimes it's nice in November. He would probably say by December 1st definitely. There have been summers where he was surprised that he was golfing all the way into December. So there might be days where they could sit out there during the day. And they will request to if they can. The plan is take it down, and then have somebody come in and do it right the way they originally planned to do it. That, or maybe he will be out of business by then. He does not know. He hopes not. Mr. Black said he did not have a problem going until December the 1st. He asked if there was a motion to approve the site plan until December 1st of 2008. Mr. Rometo moved with a second by Ms. Warnimont to approve the amended site plan until December 1, 2008. Mr. Black asked if there were any other comments, and there were none. A roll call vote was taken. Yes votes by Mr. Rometo, Ms. Warnimont, Mr. Benavides, Mr. Schaller, and Mr. Black. Motion carried 5-0-0. Mr. Bollin said thank you very much, and Mr. Black said, you're welcome.

Mr. Black asked if there were any other comments or issues they need to discuss, and there were none. He asked Mr. Garn if he had any, and he said not that he knows of. He asked if the members had any comments, and there were none. He asked if there was a motion to adjourn. Ms. Warnimont moved with a second by Mr. Rometo to adjourn. All members were in favor. None were opposed. The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Grant W. Garn,
Recording Secretary