

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

ZONING COMMISSION MEETING  
MAY 9, 2005

Robert S. Black, Chairman, called the Perrysburg Township Zoning Commission meeting to order at 6:00 p.m. Mr. Black asked if everyone had signed in and indicated where the sign-in was located. A roll call was taken.

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

MEMBERS ABSENT: Stephen J. Stanford and Jeffrey Normand.

APPROVAL OF AGENDA: Ms. Warnimont moved to approve the agenda. Mr. Garn indicated that he had received a phone call regarding Emerald Lakes, and they have taken that off the agenda this month. The commission can further discuss that at the end of the meeting. Mr. Black said they could delete the site plan review for Emerald Lakes, but they can discuss some other things. Mr. Garn said yes, concerning Emerald Lakes and site plans in general. Mr. Black said why don't they move that to the last item on the agenda, and move C up to B. If that is all right, is there a motion to approve the agenda. Ms. Warnimont moved with a second by Mr. Rometo to approve the agenda with those noted changes. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Rometo, Mr. Schaller, Mr. Benavides, and Mr. Black. Motion carried 5-0-0.

Mr. Black asked the audience not to have any discussions as the microphone picks up everything, and it's hard for their reporter. Mr. Black asked where the reporter was, and Mr. Garn informed Mr. Black that the reporter had a double booking and could not be present. Mr. Black indicated that the reporter really needs to be able to listen to the tape, so please, no discussions. Mr. Garn indicated that the reporter may be present before the end of their meeting.

APPROVAL OF 4/11/05 MINUTES: Ms. Warnimont moved with a second by Mr. Benavides to approve the minutes. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Benavides, Mr. Schaller, and Mr. Black. Mr. Rometo abstained. Motion carried 4-0-1.

Mr. Black swore in all persons wishing to address the commission this evening.

**ZONING CHANGE APPLICATION NUMBER ZC 2005-02.** 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 and is approximately 41 acres in size. 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 to R-3 Suburban Residential District (Medium Density). The developer has stated that they would like to develop a single-family residential subdivision with approximately 90 lots. The Wood County Planning Commission at their 5/3/05 meeting recommended denial of this request, and that you might consider a mixture of R-1 and R-2 on the property. A copy of their letter is attached and will be included in the record.

Mr. Black informed the audience that the applicant would be allowed to address the commission followed by anyone else that wished to address the commission either on behalf or against the application. He asked everybody to please keep in mind that if they have to say the same thing other people have said, just say you agree as they don't need to hear the same story over and over on either side.

Dale Nagle addressed the commission regarding this application. He informed the commission that Mr. and Mrs. Wolf called him last week to see if he could represent them along with Mr. Miller at this meeting. As a short introduction, Mr. and Mrs. Wolf are both working full time in Florida. They were unable to attend this zoning hearing. They previously lived down Lime City Road on the Crossroads development, and keeping their assessments current has been quite a burden, but they are one of the few owners in that development that are still current. Mr. and Mrs. Wolf had several developers approach them concerning approximately 41 acres at Neiderhouse and Thompson Roads. They chose to allow Kurt Miller to be the developer and found him to be most professional, experienced, and with unmatched integrity. He has been at several planning commission meetings in this area. Mr. Miller is looked upon as the most respected voice in most of those meetings. Mr. Miller has diligently spent a lot of time and effort and resources to develop a plan that best accommodates the 41 acres at Thomson and Neiderhouse. Mr. Miller will be glad to answer all questions and respond to concerns for this zoning change request.

Kurt Miller addressed the commission regarding this application. Mr. Miller started off by taking 2 minutes to tell the commission a little bit about their company. Most of their residential development is done in Perrysburg or in Monclova Township as of recent. He won't bore them with a lot of details, but they are a third generation company in the Toledo area. The company was actually founded as Miller Farm and Greenhouse and was located on the corner of Dorr and Secor in Toledo. As the City of Toledo grew and grew out into the agricultural areas, his father decided to sell the farm and develop the original property. The company has been in the development business

ever since, and that has been since 1950 to 1952. His dad has been involved in many projects around the Toledo area, and some that the commission may be familiar with are Three Meadows subdivision in Perrysburg, the Belmont County Club, and Highland Meadows in Sylvania just to name three of the many that he has done. Commercial development wise his dad was involved in Arrowhead Park from its inception. In fact, they were the second building in Arrowhead Park. They were partners with the Tomahawk Group and developed many of the buildings in Arrowhead Park. His father also was a co-developer of the Cedar Business Center, and he also developed the Sunforest medical facilities up on Sylvania Avenue. Since his father basically retired in the 1988 time frame, his brother Jerry and he have been running the company. Some of their commercial projects are the Briarfield Business Park development in Monclova Township which is a 150 acre commercial business park. They have developed the Access Point East subdivision, commercial/industrial in Northwood, and they are also involved in the Crossroads project, Meridian Center where they originally purchased 240 acres there. They sold 90 acres to Ramco-Gershensen and worked with them, sold some property to the sheet metal union and Erie Shores Credit Union, and they still retain 150 acres of that development there all south of Diamond Road. Residentially they have developed the Fox Hollow subdivision in Monclova Township, Strayer Farms Subdivision, Quail Hollow, Blystone Valley, Crosscreek Woods, and Winterborn Station. All of these residential developments are single-family residential subdivisions, and the lot sizes, although they vary to some degree, are comparable in size to the ones that they are proposing on this site. His brother and he have not done any condominium or villa type development, and their goal here would be single-family similar to what they have done in those other subdivisions. One of the key things that they feel separates them from a lot of the developers, they try to pay particular attention to landscaping details, architectural control of the subdivisions, putting certain deed restrictions on to control the architectural characteristics, do perimeter buffering. They realize that all the development at this point is always pushing into the agricultural areas and where people have larger lots, so they try to do what they can within reason from a residential development to reduce those impacts on the adjoining property owners. So that's just a brief history of the company.

With respect to the zoning change request this evening, they are asking for an R-3 recommendation. Their reasoning for this is as follows. First of all, when they looked at the site, they knew the Wood County master plan designates this area as a residential growth area. Therefore they are consistent with the Wood County master plan. In addition to that, the Wood County master plan indicates that the Route 75/25 corridor is an employment opportunity area as well as that area going down Route 20. And then to the north there is the Crossroads project which is nearly a thousand acres of land that at some point in time could be a significant employment area in the commercial/industrial/retail, so it can be a very significant development employing a lot of people.

Proximity wise it's relatively close to this development. The Route 20 corridor is, depending on where you measure it from and to, but basically they are in the neighborhood of three-quarters of a mile from Route 20 to the north edge of the property, or a mile to Neiderhouse Road, and less than that if you count to the back. One of the things in zoning is people consider the circle theory of zoning where you start out with the high intense commercial uses at the core, and then as you go out in concentric rings that you move to a less intense commercial use to higher density developments, medium density developments, and then lower density developments and agriculture from there. And based on that, they felt that the current development that's been done out there is really following that trend where you have the commercial end to Route 20, you go to the apartments next, the higher density developments, the villa type developments, and then they are really kind of that next layer out where they felt the medium density development would be appropriate. By definition in the Perrysburg Township zoning code the R-3 is a medium density development. They also feel that given the location in proximity to the road system to the development, this occurring on the west side of 75 and the Levis Park development as well as the subdivisions that are developing on the west side of 75, they felt that a lot of the traffic patterns are going to be such that the traffic is going to go down Roachton Road and then up Thompson Road to the commercial development that's occurring on Route 20 as well as in the future.

One of the things that's difficult and frustrating for neighbors is the impact is certainly now, but what they need to think about, and how they think about their developments is what is appropriate in the long term. This really needs to be a long term view. One of the reasons they felt that the medium density was appropriate is because of what they think will be the future traffic patterns. They will be in a pretty high traffic area, and therefore he thinks the medium density would be appropriate. From a density perspective, and he has a chart with him, if you look at the developments that are in the area adjacent to them to the north, most of these are higher density than what they are proposing under this category. Basically these developments range from 2.5 units per acre in Shawnee Trace all the way up to 4.9 in the recent villa development on Thompson Road. Most of them are 2.5, 2.8, 3.1, 3.2 et cetera. So what they are proposing is slightly under 2.2 units per acre. 2.18 is what they are proposing. He passed the chart around. He is aware that one of the concerns of the neighbors as well as a concern from the WCPC was they were concerned that the R-3 could afford a higher density than what they are proposing in this development, and this is reflected in their recommendation to the planning commission which, and he is paraphrasing some of it, but most of it is a quote, is the applicant's request to rezone the subject property to an R-3 could present a problem due to higher density than an R-3 zoning classification affords. However, if the preliminary plat of the development is approved, then the maximum density allowed under 3 will not be met and subsequently more compatible with the surrounding density in the area. So the staff's analysis is basically saying the R-3 could be a problem if you reach the maximum density. However, with what they are proposing, it would be consistent with the surrounding area. And he

knows this has caused some concern, so what he has done is a layout that would show the maximum number of lots that could be put on the site. Mr. Black told Mr. Miller that they have a couple extra copies, to put one on each side of the room, and the audience can pass it around to those that are interested. Mr. Miller continued saying that basically what he has done is he told Feller Finch to do a maximum number of lots that could possibly fit on straight streets. Nothing fancy or anything else.

Mr. Black asked Mr. Miller to hold on while Mr. Garn answered the phone. Mr. Garn told Mr. Benavides to call his wife.

Mr. Black told Mr. Miller to proceed. Mr. Miller stated that under an R-3 zoning density, if you take 40 acres and multiply and divide, technically you could get about 165 lots in this. He thinks that was the concern. He has done the layout, and based on the required open space that Wood County requires in their subdivision regulations and the detention areas that they would be required to have, the maximum number of lots that they could fit on this site would be 110. However, even of the 110, these lots in an area that he pointed to would be basically unbuildable because they have a 30 foot area that you could build on as well as these, but he made everything 75 foot frontages and everything to make them 10,500 square foot lots basically to meet the minimum to see what is the worst case scenario. And the worst case would be 110 with about 7 unbuildable lots, so you are down to 103, worst case. He does not believe this could get approved by WCPC as a subdivision because of the number of streets going out to Thompson Road et cetera. That layout would be feasible under the subdivision regulations. As they are probably aware, the zoning code permits only single-family use as a permitted use in the R-3. Two family is a conditional use from what he read. Therefore he can't go and switch anything to a two-family unit here. He planned a single family. He would have to come back if they were to do something different, and that's not their plan.

With respect to the adjacent areas, a lot of it looks just like lines on paper and lots, but there has been a fair amount of thought going into the layout they have done. One of the things that they did on the current plan is on the east side they have provided buffering along Thompson Road. He realizes this plan could change, but he thinks it's important from the zoning perspective that whether it's zoned R-1 or R-2, people could do things that are not desirable. One of the things they do in their planning is to try to plan it so that it will be ultimately attractive to the community. They knew the larger lot users were along Thompson Road, and they have provided the open space, all buffering, Thompson Road, so the distance from the existing right-of-way to the back of those lots is about 180 feet. If you take the lot depth, 145 foot lots with 35 foot front yard setbacks, if you say a house is 60 feet deep, they are going to be somewhere in the neighborhood of 200 to 225 feet to the back of a house. This is a fairly significant distance. With what they would normally do with some of the buffering that they have done to some of their other developments where they have done a significant amount of landscaping in those open space areas so it blocks the back view of the houses so

when you are driving down Thompson or Neiderhouse Roads, it doesn't look like a row of housing.

To the west of the site is owned by Noble Broadcasting. That has a radio tower on it. Their feeling on that was that that did provide some buffering to the five-acre users that are on that next layer out to the west. To the north is the Jim and Pat Schmamel who he has discussed this project with them, and he thinks they are in agreement on some of the things that he is willing to do to help protect from their property. To the south of the project is agricultural use. To the northwest of this is the Oak Meadows project which they actually abut the project. It is similar lots, but it's actually a higher density development than what they have. Along Neiderhouse Road under the current layout they have 10 lots depending on how you count it backing up to Neiderhouse Road. He has tried to keep that number of lots down to a minimum number as they could do under this classification. If you went with a straight A-1 as it sits right now and divide the lots off there with 150 foot frontages you could get 8 lots there. So it's not like they are adding a huge number of houses backing up to Neiderhouse Road that couldn't otherwise be there under the current zoning classification. From a buffering perspective he felt that they have tried to do that with the layout.

One of the other concerns he knows that has been raised was property values. He did a research of the property, the larger lots along Thompson Road and Neiderhouse going down all the way to 199, and the range of those property values including land and improvements which includes house, garage et cetera, and he pulled this off the Aries Program. Based on that program the values range from \$123,000.00 to \$550,000.00. The average price was \$213,000.00 if you averaged all of them. Basically the majority of the homes were in the 150 to \$250,000.00 price range. Based on their prior experience in their developments, they will actually be probably on the high side of the curve as far as the development values and property values. He thinks they are consistent or actually higher than many of the property values in that area.

If people don't buy on to this concentric circle theory of zoning, a lot of the new theories of zoning and new things that are talked about are new urbanism and smart growth, conservation planning. All of those are concepts that basically advocate a higher density development. The goal on that is to keep the developments compact, closer to the commercial developments so as the cost of energy goes up, that people aren't so far away from services that they need. That they don't have to drive as far, that they can feasibly use alternative methods to go from the development to the commercial. Being that they are a mile from the commercial development, he thinks that is feasible.

One of the recommendations from the farmland preservation task force that was commissioned by the governor several years ago, they came out with several recommendations. One of them was also that it would be higher density development. In their recommendations they were opposed and didn't like the larger lot splits. One

of the reasons for that, and he has a graph that shows a pretty good impact of what it means, but in the subdivisions like they are proposing, the State of Ohio did a research in the unincorporated areas of the state in 1996, and subdivisions as they were proposing generated about 20,000 lots and utilized about 9,000 acres. The one-acre to five-acre lot splits or more created about 19,000 lots, similar number of lots, but utilized about 68,000 acres. So that's one of the reasons that they were advocating a higher density development. He wants to point out that this, by definition, is not high density, it's medium density. This area, you certainly could go with a higher density development than what they are proposing. The bottom line is they feel that the R-3 is appropriate for this area. Many of the lot sizes that they have in this development are actually greater than the 10,500, and the center lots are in the 13,940 square feet. Some of the ones along Neiderhouse are 11,200 square feet. Many of the other ones are into the 10,800 to 10,500. So they actually are slightly larger than the 10,500.

One of the things that was brought up at the PC meeting by one of the neighbors was that perhaps it would be better for an R-2 along Neiderhouse Road, although he still feels the R-3 is appropriate for that area. They would be willing to do R-2 size lots along Neiderhouse Road if that would be agreeable with everyone and if the commission thinks that would be appropriate.

Mr. Black asked if the commission members had any questions. Mr. Schaller asked if water and sewer is there now, and what are their plans. Mr. Miller responded no, the water and sewer would need to be extended down Thompson Road. They are working with Northwest Sewer and Water District on exactly how that will proceed. Mr. Schaller said the storm sewer there, that goes under that creek along there. Mr. Miller said it goes into the ditch and goes out, and he can have Mr. Feller talk about that if need be. He also has some information on traffic.

Greg Feller addressed the commission regarding this application. He said the storm is basically have an outlet into that ditch that's currently along Thompson metered out through the detention pond. Mr. Black asked where is the sanitary sewer. Is it on the west bank of the ditch. Mr. Miller said the sanitary sewer is currently north on the east side of Thompson Road, and it will have to be brought down. Generally they like them on the opposite side of the road as the water. However, basically if you end up running on the same side, you need 10 feet of separation. The debate is exactly how to do that. Whether it ends up to be a forced main, or going down the center of the road, or how that is going to occur, they are still working with Northwest Sewer and Water District on that.

Mr. Black asked if there were any other questions from the commission or Mr. Garn. Mr. Garn did not have any questions at this time. Mr. Black asked if there was anyone in the audience that wished to address the commission, and he asked the people who wished to speak concerning this to raise their hands.

Don Smith addressed the commission regarding this application. He informed the commission that the sewer and water for their information abuts right against his property. They are not going anywhere with that water and sewer getting by him without going down the middle of that road because he is not going to allow it. He will fight them on that. It's too dense. He is trying to say it's worth 112,000. He would like to have him sell it, and he will buy it for the price he is trying to give. His place right now, an insurance company would laugh at him talking 112,000. He feels the commission knows where he lives. It's worth far more than that. All of the houses out there on five-acre parcels are worth far more than 200,000 each. It's just that they want to come out there and saturate the thing. Then they want to turn around and get it all saturated. He disagrees with it. You already have saturation right beside it. That's 6.2 buildings per acre. Now he tried to say before that was too dense. The commission passed it. There was nothing he could do about it now. But to go on further south, he disagrees. Get back to the reality of R-2 or R-1. Put some density to it. It will look like Perrysburg Heights out there again. Everything that is built, they want to cram it in there. Sure, they want to cram everything in, get everything up, the bang for their buck. They have a beautiful community out there, and they would like to keep the space there instead of cramming everything in like they are livestock.

Tammie Lajoie addressed the commission regarding this application. She began by saying with all due respect, she understands that Mr. Miller does develop plans. He is not the primary builder. He does not build. She believes he is in bed with Mr. McCarthy who is not here, but was at the last meeting. She can't say for a fact, but she pretty much knows this is going to be a condo heaven. Brian McCarthy builds condominiums. His subdivision that he put in on Eckel Junction Road he now puts them as one unit, calls them single family. They are close. When they go up in fire, it's going to be the whole place. She really resents the fact that this man is telling the commission that their homes are only worth maybe 200,000 when she happens to know for a fact what her home is worth, and it's a lot more than that. She owns two homes on that road. She moved out there because she has livestock and horses. She rides up and down that street with her family. She sees children learning to ride their bicycles on this road because of Eckel Junction. It is just a mess. There are maybe three parcels of land left, and Brian McCarthy has got them all sewed up. She can't believe that you would put condominiums in the middle of five-acre tracks. This has got to stop. Even Bowling Green, Wood County, they knew it was wrong. That's why they told them it just does not fit. It doesn't make sense. They wanted to know what the homes were valued at. They aren't crazy, and she is not saying that the commission is, but if something doesn't fit, it doesn't fit. They have to stop. You have to put homes out here. She is appealing to them. She pays a lot of taxes, a lot of money, and she is asking them please, preserve her land. Don't take away what she has worked for. She does not want her home not to be worth anything because of this subdivision. And it won't be worth what it's worth now. Just think about it.

Mark Lajoie addressed the commission regarding this application. He started off by saying there are a couple of things he wanted to explain. First, Mr. Miller tonight did his homework compared to what he ran up against at the PC. As the commission knows, it was unanimous that they voted it down. One of the things, in all fairness, he did throw the Aries numbers. But to throw that number out there is insulting, because if he could buy anybody's house out there for a little over a hundred thousand dollars with an improvement, it can't be done. So that was wrong to throw those kind of numbers out there. We're talking double these numbers is where it's at. We're talking five, ten, twenty-acre estates on Neiderhouse Road. He lives there. He should know his homework real well out there. But that's not really the issue tonight. The issue is about the zoning. He has a couple issues. He does the same thing for a living. Not on the same scale, but every bit as professional. He is one of the people that tried to buy this land to preserve it for himself. He had a deal with the owner. He told Mr. Wolf he lives on Neiderhouse Road, he would like to develop it. Mr. Miller had another deal with him, and that's okay because he is not here to say no, which is really against what a lot of people present this evening want. What he is saying is the same as he said at the PC, it's too dense. On Neiderhouse Road there has been no thought for a buffer. There is no landscape mounds, there is no walking path. He realizes they are not here for a site plan, they are here for the zoning. But as he explained at the PC, once the zoning gets through, if this takes a long time, and it's very expensive for the water and sewer. Once the zoning comes, this layout that was under here, first off, that would not go. Mr. Miller can admit they probably would not allow that. The engineers threw something there just to show 110 units. That could never be done. They would not allow that many stub streets out on Thompson Road. They know that for a fact. His position that he wanted turned down was he wanted to have larger lots along here, but he wanted to push them back to where you will lose some lots to push this forward so you have some open space and a bike trail. Because there is nothing there. He does the same thing, too, and the commission members in their positions can make the developer's in the site plan, and he understands that you can make them put these things in that make it attractive in the community. But the point is the interior lots, those conform more, not quite, but to the R-2. There is only a couple of big tracks on Neiderhouse Road. Years ago right across the street from him, which is on the other side of that Noble Broadcasting, they tried to take a chunk of land like this and put this type of housing in there, and it was turned down. It's too dense. He does agree, and this is not always the popular view, but he has to be honest in what he does. If you go into that area, this does not conform with what's there. Neiderhouse Road is five, ten, twenty-acre tracks. It is not this high density. Neiderhouse Road itself and Thompson has been, for the majority, is built up. So if somebody asks this, at the very least they could do is make it conform to what's out there now. This does not conform with that. If they have accommodated the neighbors to the north side, and he is trying to accommodate the neighbors to the five-acre tracks to the buffer, he has done nothing for the people that live on Neiderhouse Road. He is right about the Noble Broadcasting or the other neighbor over there, they have a huge buffer right there. But the paperwork they sent out for the less dense than the other ones, at what point do you

stop it. He is not asking, but the commission is going to hear a lot of people that don't want anything. He is saying once it's R-3, it's R-3. That's why it was turned down at the PC because of the density of the R-3. He knows that they allow that. But when you come into an area, and you look at this land, you have to say to yourself does it conform with what's there. And if you just want to take a blind eye and say well, it's just farm ground there and farm ground there, the truth of the matter is that. Like his wife who speaks with emotion, but she is correct. There is hundreds of acres that is not curbed, but Mr. McCarthy has other options to develop there. It's a great piece of Perrysburg. Let's not kid ourselves. Like he told the PC, if they turn this down, Mr. Miller will come back, and they will come back with something that's more pleasing to the community. If you get rid of whatever lots it takes, you just add that on to the other lots, and they will get it because of where they live. It's a great area, and they know it's only going to get better. There is no doubt about that. The people there were there first. Sometimes you get wrapped up in the five-acre tracks is a waste of land. He is not going to argue that point. The five-acre tracks were already there. They took them and they use them for horses, and some people just use them for planting, or just use them for whatever. But on Neiderhouse Road, if you go back to Roachton, it's farm fields. If you go back to Five Point, it's farm fields there. They are over here, and they have been there. And he is not trying to bring up a bad subject, but it's just like what was next to Mr. Smith's. You have five-acre tracks, and then the commission let, and even Mr. Miller has 5.5 units per acre next to five-acre tracks. That's crazy, but the PC denied that, too. Nine people, or seven, whatever is unanimous is what the decision was. They agreed with everybody that's here. And Mr. Miller brought up a lot of the issues that were there. One of the things he talked about was the value of the homes. That's an insult to them. And that's only to the plans you see in your mind. Because one of the things that the PC members asked was they would like to know what the home values are out there. So throw that number out there, that would be like saying that lot is going to be worth 20, \$25,000.00, half the price. That's not true. But once you throw it out there, that number kind of sticks. That's why it's presentable to say that. But basically that's what they are talking about, through. If this goes on, and by their own admission, they don't know where the water and sewer is coming from. If this takes time, the cost associated with it means they may have to, once it's R-3, get the maximum density because it's already zoned that way. That's why the recommendation to turn this down, or R-1, R-2, combination. In the site plan, that's when you can start going with the buffer. But there was no thought really put into this because it was just like well, this is a farm field here, so the heck with the rest of it. These people were given some consideration, but nobody here as you talk to the rest of the people.

Bill Swartz addressed the commission regarding this application. He agrees with what Mr. Lajoie says as well. He thinks the valuation of the properties was a misrepresentation. For Mr. Miller to go to Aries and pick what the tax auditor uses for their home values, and then say that the price that they are going to sell their homes is going to be comparable, the auditor is going to say that his properties are going to be

less. Because what the auditor evaluates a property is not what the market value of the property is. His other concern is, and it was his thought that the property should be zoned R-1. Because if you look at what R-1 says, it says that the purpose of the R-1 district is to maintain the rural character of the land by promoting low density residential growth and access to central water, sewer facilities when the division of land is classified as a major subdivision, five or more lots. The R-1 district is encouraged in areas when surrounding uses are similar in nature such as agricultural and low density residential. The majority of the homes on Neiderhouse are on five-acre parcels. There are some that are on ten, a couple, and there are a few that are one. On Thompson Road from this property north to Eckel Junction he thinks they are all five-acre parcels except for the one on the corner of Eckel Junction and Thompson, and it faces Eckel Junction, and it's a little over one acre. So for him, ultimately he would like it to remain five-acre parcels like the majority of the lots are. But he guesses a compromise would be to have it zoned R-1.

Tom Harbauer addressed the commission regarding this application. He informed the commission he is one hundred percent against this development, and he agreed with Mr. Lajoie, this does not conform with anything on Neiderhouse or Thompson Roads. He is concerned about the water and sewer, and he would like to ask Mr. Black a question. Do they vote on the zoning change without knowing where the water and sewer is going to go. Mr. Black said no. Mr. Harbauer asked if Mr. Black knew where the water and sewer is going to go. Mr. Black said they just talked about it tonight. Mr. Harbauer said they talked about it, but where is it going to go. Where is this water and sewer going to come down Thompson Road. Mr. Miller responded saying the Northwestern Water District basically said there is two or three different options. One is they could do a pump station with a forced main going out to the existing sewer. The second option would be coming down with a gravity sewer. It's a two-pronged option. One is either coming down basically the road right-of-way with it in the road. The second option on that would be to obtain easements to run the sewer outside of that. They said if they could not get those and run it out the road, then they would be okay with the forced main sewer. Mr. Harbauer said so, in other words, you are telling him they don't know where it's going. You can't sit here tonight and tell him where that water and sewer is coming down that road. Mr. Miller said yeah, it's coming from the north coming down. Mr. Harbauer said he knows it's coming from the north, but where is it going to be. He can't tell him. So how can the commission vote on this when they don't know where this water and sewer is going to be. He wondered if that was a fair question. Mr. Black said no, they don't know exactly where it's going to be. Mr. Harbauer asked if they knew exactly where this was going to be before they vote on the zoning change, and Mr. Black said no. Mr. Harbauer asked if they have to know, and Mr. Black said no, Mr. Miller stated where it's coming from. It's a matter of where it's going to land, either within the right-of-way. Mr. Harbauer said if it goes down the middle of the road and tears that road up, who is going to pay for the road, the township, the developer. Mr. Black said they did that on Fort Meigs Road. Mr. Harbauer asked who paid for it, and Mr. Black said he did not know. Well, Eckel

Junction Road, right now the City of Perrysburg and the township is going to pay for widening that road, the developer is not going to pay for. And he thinks this stuff ought to all be down in black and white before they ever make a zoning change. This is the first thing they should do. Do their homework and get that done before you allow this zoning change. Mr. Black said the business of townships is to maintain the roads. Mr. Harbauer said they go in and tear it all out, and they rebuild it, you mean that's the township's job when they tear it up. Mr. Black said no, repairing the road would be the developer's job. They tore it up. There is no question about that. Mr. Harbauer said he does not know of any road they have ever paid for. The township usually gets stuck with the bill. Mr. Black said the township's in charge of the maintenance. But as far as tearing up an existing road, that's the private developer's job to rebuild. Mr. Harbauer said he was concerned about the ditch also because he drains into that, and doesn't there have to be a buffer zone along there in case they have to clean it. Mr. Black said as he understands it, they are going to have a gradable tank into the storm drain. Mr. Miller responded that they will not be allowed to discharge more than they can discharge from this parcel as it exists now. Mr. Harbauer said put a buffer zone along that ditch so they can clean it. Mr. Miller said all the ditches and open space will be maintained by the association. If the county requires a drainage easement for the ditch, they will obviously provide that. Mr. Harbauer said so nothing will be built on that, no trees, no nothing.

Barbara Harbauer addressed the commission regarding this application. She is here to say no, it's time to stop the craziness. Let's not put a housing development out that far into the open space of still farm ground and five-acre lots. And she has news for Mr. Miller. A housing development is a housing development no matter how you try to change your wording. The people out here are going to be stuck with it. She does not care how close this proposed housing development is to the commercial property on Route 20. Three-quarters of a mile or a mile, she could care less. She takes exception to the fact that Mr. Miller says adjacent property is this higher density such as the drawing that was passed around to the audience. North of his proposed development is all five-acre lots. Across from it is five-acre lots on Thompson all the way down Neiderhouse except for the existing farmland is all five-acre lots. How can he say that these higher densities are adjacent to this when the only thing she sees is the little corner at the upper left hand corner on his map of Oak Meadows. She does not quite call that adjacent. She is concerned about water and sewer coming out there. She is concerned about property owners who have already been there being assessed for something they don't want. She is concerned about the ditch. She and her husband own an adjacent 40 acres to the south of Neiderhouse Road that is not for sale. That is farmland. It's getting increasingly hard to take farm machinery down the road with all the traffic. Mr. Black asked if that was directly south, and she said yes, it's not for sale. In fact, they are thinking of putting in a hog farm, so she hopes Mr. Miller will take note of that. She thinks that some thought should be given to putting high density out into the five-acre parcel areas. She noticed on the paper handed out this evening that they are all under oath. She is not sure that they were sworn in at the PC the other night,

but at that meeting Mr. Miller told the PC that the developers take care of the roads, and she and her husband do not find that to be a fact. As her husband's recent point was, it was Perrysburg Township and 25 percent Perrysburg City that are going to have to take care of widening and rebuilding Eckel Junction Road, not the developers who have developed that land. And also noting that they are under oath, and she can't see it from where she is, but what is the right-of-way on Neiderhouse Road, and she asked if he had changed that because at the PC last week Mr. Miller and the drawings showed that the right-of-way on Neiderhouse was 60 feet, and she has information from the engineer's office that that is not correct, it is 40 feet dedicated tract.

Mr. Black asked what it would be when it was done. Mr. Miller responded the layout both on Thompson and Neiderhouse Road that they would dedicate so that the half right-of-way would be 50 feet on both. Mr. Black said so it's 20 feet now. Mr. Miller said it's 20 feet half right-of-way on Neiderhouse, and it's 30 foot half on Thompson. They proposed in that plan is 50 foot half right-of-ways. Mr. Black said on both roads, and Mr. Miller said yes. Mrs. Harbauer said that will be on their side, and Mr. Miller said correct.

Mrs. Harbauer responded that she and her husband are not giving an easement. They are not giving a right-of-way. They don't want water and sewer. They don't want a pump or lift station on their side. They don't want the road widened as has been used as an instance. They want it to be country, and she hopes all of the other people out in the audience will get up and tell the commission this evening how they feel. This is a rural area, it's zoned agricultural, and she deeply resents the thought of this housing development with 91 houses and all that traffic going up in their rural, agricultural, plus five-acre parcel area. And she hopes the commission will listen and for once, please, listen to what the people are trying to tell them. The only ones that want it are Mr. Miller and Mr. Wolf because they are the ones that are going to be making the money. The rest of them will be stuck with assessments, traffic. She told the commission they can't believe the new breed of people moving into their area, throwing their trash out their windows. It's just unbelievable what they who already live out there have to put up with with this new influx of residents moving into Perrysburg Township. They are zoned. They thought that would be a protection. They are agricultural. And since the last several years of following township politics she finds that zoning means nothing. The township trustees would love to see the rest of the township zoned. Big mistake. She hopes those people continue to vote no to get the rest of the township zoned. Because it means nothing. They are agricultural. All of the five-acre parcels are ag with a residence on them. And Mr. Miller can come in and ask for zoning to be changed. So what does it prove. Why even have zoning when they can so easily come in and put a housing development a mile out into the township off of Route 20. She hopes they listen, and please vote no.

Pat Schmakel addressed the commission regarding this application. She informed the commission that they would be the only adjoining neighbors to this, the only adjacent

by land neighbors to this property. She and her husband moved out there 27 years ago. They were the first on their side of the five acres on what they are calling the adjacent property. There were some homes on Neiderhouse, but not any of the newer ones. They do want water and sewer. They expected when they moved out there that there would be something like a Southwyck or Franklin Park Mall out on Route 20. They believe you can't stop progress. Progress happens, and if you don't cooperate with progress, you will get worse than what you want. She is not real happy with what is happening north of them on Thompson Road with apartments and very low density housing. This development, from her perspective, looks like it's a decent development. She thinks it will uphold or increase their property value, especially if they can get water and sewer.

Jim Schmakel addressed the commission regarding this application. He began by saying R-1, R-2, R-3, all he knows is strike one, two, and three. He knows very little about what's going on, but he does know he's been out there 27 years, and they were the first people out there. And they would love to have five acres, all of them, but how can you guarantee that. How can you guarantee that each one of those lots all the way down to Neiderhouse is going to stay five acres. It's right next to him. All he has to say is take a look at the stuff that is developing to the north of him which is across Eckel Junction next to Mr. Smith. And if they are going to get something, they need to get something that is nice. They have seen some of Mr. Miller's developments. He knows it adds a lot of properties to the area, but do they want apartments there, do they want condos. He does not know what R-1, 2, and 3 means. Maybe there should be more spread out so there is only 50 lots in there. But they can't stand in the way of progress. And he does not want anybody to get mad at him, but he's been out there 27 years. They have wanted sewer the whole way. And for the people that farm, he knows that's not what they want, but that's their opinion.

Pat Schmakel further addressed the commission. She wanted to add that she and her husband get to go a lot of different places and see a lot of different places around the country. In their 30 years of being in baseball they have seen a lot of development. She can tell them that that development that they have around them, because of the fuss that people put up, people trying to block it, it's not as good as it could be. It's not as architecturally pleasing. The landscaping isn't as good as it could be. She has seen some beautiful developments of places that used to be fields in areas like Cleveland, Boston, outside some of the cities they get to go to. She thinks the more you block it, the less pleasing a development you get.

Bob Beyer addressed the commission regarding this application. He would like to reaffirm that 4 or 5 years ago the property to the west of theirs was brought before this commission and the county for subdivision and got turned down because it didn't conform with the area. He does not think anything has changed in that time period, so this does not conform with their area.

John Hunter addressed the commission regarding this application. He has a couple of issues, some of which go to the veracity of what he has heard this evening. One is the property values. He does not know or care what is on Aries, because what a property is worth is what it sells for. You take a look now at a house on Neiderhouse that is for sale for \$349,000.00, not 212, or 250, or two hundred and anything. The property next to that sold 2 years ago for three sixty-five. His house is currently being renovated at the cost of 341,000. So if they want to pay me two fifty for it, they can give it their best shot, but it's not going to happen. Second, they talked about adjacent parcels, contiguous parcels. If you take a look at the drawing that was provided by the developer, and you take a look at what is a contiguous, or maybe you could call it an adjacent parcel, everything to the north is five acres, everything to the west is five acres, and to the south is A-1. The 2.9 which is on the corner is the closest thing they have of an equivalent density to this parcel. If you put this parcel in, the next question becomes then what goes to the south, what goes to the east. If you take a look to the east you will also see that those are oversized parcels and/or A-1 zoning. The fact of the matter is this density does not fit in this area. Now, there has been a suggestion that perhaps they could consider R-1, they could consider R-2. The fact of the matter is the request is R-3. The PC has said deny the request for R-3, consider R-2 or R-1. In his humble opinion, when a request is made for R-1 or R-2, that that request should be considered. What's before the commission this evening is an R-3 request. It was turned down by the PC, and it should be turned down by this commission. There was also a statement that was made well, if we fight this thing, it's only going to get worse. Well, how do they prevent that. This is how they prevent that. If they want to put something worse in there than what's been already brought before the commission, they have to come back here. They have to say hey, since you turned down R-3, now we are going to try R-4, R-5, or they are going to put in multi-unit or whatever it is they want to do. The fact of the matter is if they are going to put in something worse simply isn't out there. That's why it's zoned, so they can't come in and put in whatever they want. The request is for R-3, it was turned down by the PC, it was turned down a quarter of a mile down the street previously because it didn't work, and this one should be turned down as well.

Mr. Black asked if any of the commission members had anything. There was a letter that was written, and he asked Mr. Garn to inform the commission and the audience of that. Mr. Garn said he did not know how many acres it is. Mr. Black said it's east and south, and Mr. Garn said east and south. Mr. Black said it supports the application.

Don Smith further addressed the commission. He said that's water and sewer they are talking about. They can even check this out at the regional water and sewer. This whole thing in this area is under a certain control. To get the water out, it has to come by him with that 16 inch, 19 inch sewer. The sewer is 19 inch, 20 foot deep. The water is a 16 foot main. That goes all the way. He talked about a forced main. That isn't what he was told. Everybody on this board has the right to call the regional water

and sewer and talk to them at any time which he did. He discovered that this could not be done except for the master plan.

Kurt Miller further addressed the commission regarding the comments. He began by saying with respect to values, one of the reasons he qualified with the Aries program is that he is limited to that without going out and doing full appraisals. Unless he misspoke, he thinks he said there was a range in values from one twenty-three was the low, to five fifty. He does not think he said how many there was in each range. There is a broad range there, and there was a lot in the 300's. So he thinks he qualified that, and that's why he did not. He did not want to say something that was off the cuff. He thinks that was still a fair statement. He does believe just on his own observations that they will be in similar value ranges to many of the houses there. Obviously there are some that are a substantial investment there.

With respect to Mr. Harbauer's concern in respect to where the sewer and water is coming from and the street improvement, that really is a subdivision requirement. That's what happens. That's the purpose of the county in their subdivision regulations is to resolve those issues, not the ZC. So he thinks it is appropriate to explain that, but the exact location is a subdivision issue.

He thinks what he said at the PC is what happens with the subdivision regulations when they submit the preliminary drawing to the county, they make recommendations on what the developer is required to do for onsite as well as offsite improvements. If the county engineer, and he believes this is what he said, requires improvements to Neiderhouse or Thompson Road, then they are required to do that in order to move forward with the development. They stated that they were not aware of any developers doing any such thing. Just the most recent example, he invites them to come over and look, and he will take them on a tour if they want of Black Road in Monclova Township. That is currently being totally tore up. The entire road is tore up and being replaced by them. Actually in that case their requirements from Lucas County was only a four foot widening of the road. And due to the cost and the road that the township actually wanted to repave it, and he told them that since he was going to have to widen it anyway, that they would tear it up and resurface it because they were impacting the road with all the construction going on even though it cost him more money. That is just one example of the streets that he has done. He has done Salisbury Road, improvements to Monclova Road, Oregon Road. He is paying for assessments in Crossroads that are basically paying for that street. So they have done a significant amount of road improvements, and he does know what he is talking about in that regard.

With the right-of-way issue, as he mentioned they are proposing additional right-of-way on both sides to accommodate both. If they need to expand it as well as in the future, and that saves the township if they need to expand that in the future. They are dedicating that so there will be no need to purchase it.

With respect to the zoning here and the five-acre users, they point out there is no considering for the buffering on the south side. They have provided in the first plan a 30 foot buffering area there. It's not as large as the one on Thompson Road, but they did provide some there. One of the reasons he did that was because there are none of the five-acre users immediately adjacent across the street there. When he was saying adjacent areas developed for density, he thinks that could be a broader brush. He wasn't intending to mean that a lot of this was absolutely right next door. He thinks he said there was five-acre lots next door. so comparable density in the area he was comparing it to, as far as these densities.

He started out the meeting saying this is long term planning, and that's what this board is faced with. He knows a lot of the immediate reaction is not in this area, not here, it's agricultural, it's five-acre lots. No matter where they go with development, they are up against that. He had some pictures on there of some of his other developments. They have a similar situation where the five-acre lots are there, but it's where growth is going. And to step down to 20,000 square foot lots or bigger lots so rapidly from the commercial corridor he thinks would be better planning to step that zoning down not quite so rapidly, and that the R-3 is appropriate. He thinks there is a little too much focus on the R-3 versus the R-1/R-2 type thing. If you look at a straight density calculation, they are actually between an R-1 and an R-2 if you look at straight density. If you did the numbers like he was talking about earlier on, if you took the 40 acres and divided by the 15,000 square foot lots that are required under R-2, you end up with 116. And if you do 40 acres at 20,000 square foot lots, it's 87. So from a straight density calculation, they really are between an R-1 and an R-2. He will also say they are not going to do condos on this site.

Mr. Black asked if the members had any comments. Mr. Schaller said he was curious that if that was close to R-2, why don't they apply for R-2. Mr. Miller said it really boils down to if there was a zoning category that would be more like 12,000 square foot lots, that's what he would prefer to do here. But the fact that the 75 foot frontages and that, a lot of these lots are in the 11,000 to 12,000 range. So really it does not meet the R-2. When you start going to the full R-2 size lots, then you lose a significant number of lots there. If there was something in between, that would be what actually meets his target market of needs. But there is no category there, so R-2 is too big for what they are seeing as the market demand. And he thinks that is another important thing to bring out is although they are the lead guy doing this, really they are providing what the market's demanding. And if they do lots that are bigger than what the market demands, it is actually a negative thing, negative impact because things sit there. So their experience has been that this is really the best demand in that size lots.

The comment was made when they develop the area north of there, they put the culvert in along Thompson Road that was put in mostly by the developer. Are they willing to go to that type of commitment to widen Thompson Road through there with the culvert and that type of thing. Mr. Miller responded saying what happens with the

preliminary drawing, WC engineer will make a recommendation on that. When they make that recommendation, then they would evaluate the cost of it. But more than likely they would probably end up biting the bullet on that.

Mr. Black asked if the members had any other comments. He then asked Mr. Garn if he had any comments. He then asked if there was a motion to approve the application. One of the audience members asked if she could clarify something Mr. Miller just said. They were talking about the 40 foot right-of-way on Neiderhouse Road. He just said that he intended to expand the right-of-way on both sides. Mr. Black said he meant Neiderhouse and Thompson, he thought. Right, he did make that statement, but he took it to mean that it was on Thompson Road, but that's a good point. She further said does it mean that then the people on the north side of Neiderhouse Road west of this development will be asked to give right-of-way also from their property, and the response was no. Mr. Garn said he guessed the only thing he could say from reading that is they have the choice of accepting, rejecting, or modifying what they have asked.

Mr. Black asked Mr. Miller if he would be willing to do R-2 along Neiderhouse Road. Mr. Miller said as he said earlier, he would be willing to do the R-2 along Neiderhouse Road. If the commission feels it's best to rezone that area R-2 instead of R-3, he would go along with that. He does think it would be best R-3. But if they think R-2 is better there, he would be willing to go along with that.

Mr. Black asked if anyone had a motion they would like to make. Mr. Black said he would entertain a quick comment. There was a discussion about having given the developer three times. Mr. Black said well, they have all had an equal amount of time. There was a disagreement about that, and Mr. Black said not each of them. That that's true.

Mr. Lajoie responded saying that he felt Mr. Black was out of line. He said these people live there, so the least he could do is give them the courtesy, even if they are interfering, because this interferes with him also. Mr. Black asked him to remember this is a recommendation. Mr. Lajoie understands that. He said they are talking about doing R-2 on the road. There were people who spoke who lived there for a long time. Another gentleman that lives on Neiderhouse Road, he hit it right on the nose. The commission is the one that stops it from happening. They want the water and the sewer, and he does not understand it. Mr. Lajoie said he understands what they are saying. They are saying this is good. He is not saying it's not bad. He has nothing bad to say about Mr. Miller. What he is saying is that it can be better. The gentleman on Neiderhouse Road was trying to tell the commission when he was insulted about his house value if the commission are the ones that turn it down. Then it becomes like the great place they see in Cleveland or wherever. The commission has that control. He does not feel they know how to say no. Turn it down. It will come back to the way it should be. The developer should get with the neighbors. You can't make everybody happy. He understands that. But Mr. Miller should get with the neighbors, have a little open

forum. The letter that was drafted on the southeast corner, that is one of the huge tracks of land. But between Mr. Miller and Mr. McCarthy who are building these condos, they have the option on that huge track of land. That's why they sent the letter. That's why it's important. If they can develop this and in the southeast track of land they can get that water and sewer down there at their own expense. It's all tied in together. All the commission has to do is say no, and it will come back as something else. The demand is there for this. They haven't told them to go back with something less dense than this. Let's get something on the drawing boards. It's not about sour grapes because he does not have the land. He tried to get the land. Does the commission think that if he had this land, in that he lives with his wife and the neighbors, could he sit up here and say he wants to do something like that. He knows what they need. That's all he's asking. The audience applauded.

Mr. Black asked if there was a motion. Ms. Warnimont moved with a second by Mr. Black to modify the application to change it to R-2. Mr. Black clarified R-2 along Neiderhouse Road and R-3 over the rest. He asked if there was any further discussion among the commission members. He let the record know that Mr. Benavides had to leave due to an emergency, so they have just four members of their commission present for this vote. Mr. Garn confirmed that this is to change the frontage along Neiderhouse Road to R-2, and then the remainder would stay R-3. Mr. Black agreed. A question was asked if that was against what the PC had done, and Mr. Black said they are just their staff, and they give the commission a recommendation. They can approve it, disapprove it, or modify the application, and what they are doing is modifying the application. The comment was further made that what the PC told them is no matter what the commission does, if it goes back to them, they will fix it for them. Basically they will take care of it. Mr. Black said no, what happens is they make a recommendation to the trustees. All they are doing is making a recommendation. If they turn it down, the trustees have to vote unanimously to overturn them. If they vote yes, the trustees have to vote unanimous to vote no. So there is one more opportunity. There will be a hearing like this probably in a month. Mr. Garn agreed. Mr. Black said in the next four to six weeks at the trustees there will be a hearing just like this with the same opportunities. Mr. Schaller asked for clarification on the R-2 on Neiderhouse, for what depth, or does that have to be defined. Mr. Black said the depth of the frontage of whatever the lots are along there. So the R-2 zoning would be the depth of the first row of lots. A comment was made, it's going to keep them the same size, 75 feet wide, but longer. The response was there is an 85 foot frontage with R-2, so that makes them 170. Mr. Black said 170 feet deep. A further question was Mr. Miller has in there that it's 2.2 houses per acre. If you take out that track of land there that he's using as a buffer, what is the remaining density of that property, R-4 or R-5. Mr. Black said they have to include all the property. That was understood, but if Mr. Miller would subtract that track of land that's being used as green space or buffer zone, that makes the rest of the development more dense, right, and the response was right. Mr. Black said they have a motion on the floor. A roll call vote was taken. No votes by Ms. Warnimont, Mr. Schaller, and Mr. Rometo. Yes vote by Mr. Black. Mr. Black

announced that the application is rejected. In order for it to be accepted, it would have to be unanimous by the trustees to overturn this recommendation. Motion rejected 1-3-0. Mr. Black asked those who were leaving to leave quietly as they have another public hearing.

**ZONING CHANGE APPLICATION NUMBER ZC 2005-03.** An application for rezoning from Reitzel Realty was brought in to our office. This property is located on the west side of Oregon Road, north of the Walgreen's entrance, which is north of SR 795, and is approximately 12.8 acres in size. The property is presently zoned C-2 (Community Business District.) They are requesting that the zoning be changed to R-5 (Multiple Family Residential District, high density). The Wood County Planning Commission at their 5/3/05 meeting unanimously recommended that this parcel be rezoned from C-2 to R-5. A copy of their letter is attached.

Sean McMahan addressed the commission regarding this application. He is here representing the Reitzel family, and he indicated that Bob and Jerry Reitzel are present, and also the buyer. They are asking for a rezoning from C-2 to R-5 on 12.8 acres on Oregon Road. One of the reasons, the parcel is 12.8 acres, and with the current zoning, it's kind of an odd shape for a commercial property. It's not quite big enough for a big box. The average big box is about 16 acres at a minimum. A Menards, for example, if they had a perfect square for a Menards on their small prototype, you would have to have at least 16 acres to cram it on there with very minimum setbacks. For a smaller commercial, it does not lend itself to that either because you have one access. The site is limited to one access. You really don't have anybody that will go that far back deep on the piece. They do have 8 acres remaining C-2 that lends itself to the smaller type uses, the strip centers and so forth. The site is very, very deep when you look at it. It is tough to see on the scale because the Walgreen's center is so large.

He put the utilities on the drawing so they could see. He indicated the water and where it ends. He put where the utilities are coming from in relation to this project. He pointed out the sanitary where it comes in and ends. What he wanted to show was what the benefit for this would be with the utilities coming where they are right now. And where they would go in the future, they have had tentative talks with Wood County water and sewer several times. What the plan is, they have two options on how to bring water to the property. Either bring it straight across the road or bring it down to service the other outlets also, because they will eventually need that because it will be parceled off and sold to single users. They would have to service that. The way it's looking right now, that's a decision that is up to the sellers. But he thinks as good landowners, they have decided to do that right now and make it easier for them to sell those lots in the future. The other thing it gives Wood County the ability to do is eventually some day because the R-5 is tied in to one system, and he thinks that ends somewhere in the cul-de-sac, so this is a 12 inch water line, and if they ever wanted to make it easier for them to loop those systems together which improves the water quality and pressure. Right now the water line deadends, but it's coming off of 795.

So that's a benefit for the township. The other thing is the buyer has been in negotiations and talked with Wood County about Wood County requiring them to extend the sanitary to the top of the property. That's been an impetus for Wood County to go ahead and say you pay that portion of it and size it right, and they will make it big enough to continue to extend up to Oregon Road. They are not sure how far, but it's WC water and sewer's agenda to do that and extend the utilities further up to benefit those folks further to the north. So they have estimated at least \$100,000.00 in private money to the utilities to help that situation out.

As far as the character of the development, it's basically single-family, attached garaging. There really isn't anything like that in the area as far as rental type units. They have not seen anything like it. It's really geared toward empty nesters. They have discouraged children. It's more geared toward an adult community. They don't provide a pool or recreation area that would encourage that sort of thing. The grade of the floor is essentially flat except for the garage which is 4 inches below by law to accommodate for any fumes that would escape from the vehicles.

Keith Ritz addressed the commission regarding this application. This is pretty much what they would like to build on the site. They have a similar project going on in Findlay and throughout northern Ohio. They build single story units, two bedroom, two baths. They have attached garages. They cater to empty nesters, seniors. The last 200 apartments that they built, three children overall. So it's not a child friendly place. These are upscale, luxury apartments for people like parents who maybe don't want to take care of their yard anymore. Getting too tough to clean the gutters out come fall, and they just want a nice place to be where there is still a neighborhood type environment that exists. People are free to plant tomatoes in the back yard. They can do what they want, although they have a lot of landscaping that they put in initially. They put maple cabinets in, optional fireplaces. The unit design, they are ADA compatible. They are very aware of ADA issues. Proper space design, the kitchens are as large as many homes have. It's just efficiently designed space. There are floor plans on the handouts if anybody had a chance to take a look at the material they put together. He is open to any questions. He thinks the area is kind of a transitional area. You have industrially zoned land, agricultural, R-5, and more commercial around. His partners have built a fair amount of commercial and office space, and they looked at this site in that genre also, but it just does not make sense. This is something that they think really makes sense for the project. They like this part of the state, they like Ohio. They build in Ohio and are from Ohio. They build these to keep them. They don't take any government money, vouchers, Section 8. They don't do any of that. Not only do they do credit checks on the prospective tenants, but they do background checks. If you have a DUI, they don't want you. If you beat your wife or been in jail, no, find another place to live.

Mr. Black asked what type of buffering they would have between this zoning and the surrounding zoning. Mr. Ritz said primarily they have gone both ways. They have

fenced in areas and they have even built one gated community. Mr. Black asked what their plans are in this situation. Mr. Ritz said his view, because there is a lot of open space around there, he would be more predisposed to putting in a lot of vegetation to fill in the areas. They have a lot of topsoil on the site. They don't want to take the dirt off the site, so they will mound it and plant. They have put in evergreens, zebra grasses that grow 8 feet tall. Mr. Black asked if they had a landscaping plan, and Mr. Ritz not yet. He does not have a site plan yet. Mr. Black said he heard him suggest what they might do, but he wanted to know what they will do. Mr. Ritz said he does not have a landscaping plan. Feller Finch is going to do the civil engineering for them. Chances are they will use a local company to do the landscape work for them. They have used a company in Findlay called Village Green that have been around for 40, 50 years, and they are doing their project in Findlay right now. There is a letter from the neighbors who have a quarter million dollar plus condo adjacent to them, and they worked with them. They were concerned that they were going to build on a nice open field that they have looked out over. And there is a letter there from the condo president, although they are not done with the project, but basically he said to him that they disbanded because they see what he builds, and they really like it. They think it's nice. And that's really it.

Mr. McMahan further responded. In regards to the buffering, they are aware that there is going to be required by the code to be buffering along the industrial adjacent zoning. There kind of already is right now quite a bit of it buffered up on the Walgreen's site. If you go out there, you can't even see this very large retention pond from the road. So it's nicely buffered on that side, and will also be buffered by the code. They are flexible in what they do. They are not looking for fights. They want to make things nice. They are conciliatory developers.

Mr. Schaller asked if they see any issues with that residential type of application adjacent thereto. It just seems to be inappropriate. Mr. Ritz said with a lot of land use planning they look toward industrial transitioning to high density, industrial warehouse transitioning to multi-family transition to single-family development. There is a lot of R-5 around there. They are not going to build anywhere near the density that R-5 allows for. They are hard pressed to get 9 units on an acre. You just can't. When you go vertical you can do it, but they build horizontal. Nobody above you, nobody below you. They like to have high rise, these mid rise apartments around them because they draw from that because people will walk there and see that their space is no where near as efficiently laid out as theirs. When your mother comes home and she's living in an apartment, rather than parking in the parking lot, carrying two bags of groceries at a time to the elevator or up the stairs to her apartment in the wintertime, this way they drive into their garage, hit the garage door opener, it pops up, they walk into their kitchen, they unload their groceries. They have pantries. They have kitchens that are substantial in size. He welcomes anybody to come down to their Findlay project which is the closest one to this and take a look. People walk in and they are very impressed with the space. Mr. Schaller was not talking about the space, he was talking more with

the leased properties and that type of thing. Mr. Ritz said it's not an issue. Once they get done landscaping it, they build out the streetscapes as they need to be, people don't even notice what's around them. It's kind of funny. They have silos next to them in Findlay, and you don't even see it there. You look at the street. You are there, your neighbors are across the road. They try to keep the roads wider. If they are fortunate and would get the necessary approvals, they would break ground this year. They end up pouring class C concrete for all the streets. It helps them. It last a long time. It allows them to get their construction equipment in there without doing any damage to the roadways. It's also just a nice clean look.

Mr. Black asked if the commission or Mr. Garn had any other comments. Mr. Garn said he did not know if the gentleman was present, but he received a call this afternoon from a neighbor. He did not bring his note pad over. Mr. Black asked if there was anyone present that wished to address the commission regarding this issue. Mr. Garn said his name is Mr. Benicker. He owns the property just to the north of this. He did complain about the traffic. He has a commercial business there. It's very difficult for him to pull out on to the road because of all the traffic on Ayers Road and from the Starbright subdivision. He felt it was appropriate to remain as a commercial and industrial area is the gist of what he was saying. He is passing that along.

Their response is that every project they have done, every time there has been a traffic study done, the results have always been the same. These are empty nesters. There is just not a lot of traffic. You get a couple cars an hour, 5 cars an hour, 4 cars an hour, or 6 cars an hour. It's just minimal traffic flow relatively to what's moving up and down Oregon Road. If you have an office complex in there you would have a lot more traffic. You have one curb cut which is certainly a limitation of the site. But they are very comfortable with the single curb cut. Again, the traffic flow from their property is minimal. Mr. Black addressed the curb cut and tape one ended.

To their knowledge, you have people in this community that as they age, there is not a lot of options in terms of where they can live. They think this is sort of a unique project to the area. It's not lucrative to build these, but his partners and he, they came to the conclusion a long time ago that they were in this for the long run. They wanted to build something more conservative in nature because none of them hit the lotto, and they can't afford to go bankrupt or have a bad project. They would rather make less money by building fewer units per acre but knowing they have them filled up all the time, and that's the philosophy that they took.

Ms. Warnimont asked if the road was going to line up. The response was yes. If that's what the commission wants, that's what they will do.

Mr. Black asked if there were any other comments. Mr. Schaller moved with a second by Ms. Warnimont to approve the application. There was no further discussion. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Rometo, and Mr. Black. No vote

by Mr. Schaller. Motion carried 3-0-1. Mr. Black said there would be another hearing. They just make a recommendation. It will be 4 to 6 weeks. He can't say for sure. But it will be another hearing just like this, and the trustees will have their say. There recommendation was to approve the R-5 zoning. The trustees would have to vote unanimous to overturn it.

There were two questions by Mr. McMahan. He understands the trustees have a meeting coming up later this month, and he was informed it will not be on that agenda. There are notification issues. It will be at least 4 to 6 weeks depending. In terms of getting material to the trustees similarly to what he has given the commission, Mr. Black said the sooner the better, so he needs to give that to Mr. Garn.

Mr. Black asked if there was anyone in the audience that was present for any non-agenda items that they would like to bring to the commission's attention, and there were none.

**SITE PLAN REVIEW FOR VICTORY PLACE NUMBER SPR 2005-03.** Dold Homes would like to build on Lot 6 in Victory Place. A copy of their plan is attached. An independent engineering firm is reviewing their plans and checklist for compliance. A copy of their findings is attached. They are still working on the deficiencies.

Tom Opel addressed the commission regarding this review. He brought some updated plans, and he passed them out. As the commission knows, they started Victory Place. They came in a couple years ago for the rezoning and actually started building this last year. This was their first voyage into doing multi-family, and it's been an interesting year. They have decided to take the aspect of just building one lot out at a time until they have figured out that they are doing exactly what they want to be doing. That's why they are in here for lot 6. They have currently been building on lot 2 which he pointed out Tracy Road, Ayers Road, and they currently have the three buildings going up which was their initial design. As he met with Mr. Garn and discussed with him, they were running into some issues with the finances of building the design there. They came up with a much more economical design for this next lot. They have some elevations, and he has floor plans on the board if they are interested to take a look at them. Basically they are just in here now for the site plan review on this next lot. They can see from the Feller Finch letter which they have in their package that there were some minor issues. They took care of those. They have the review letters attached to the front of the handouts that he just gave them. And he believes there was a letter that came in just before this meeting, and he did not know what was on that and asked if he could read a copy. There was a mix-up on the letters.

Mr. Opel responded to the items that are on the memo that the commission just received. The City of Toledo does have a set of water plans. They dropped those off and asked them to review them, so they are under review at this moment. He can't imagine there would be anything coming up on those because they are reviewing for

two two-inch water taps that they will be making for these buildings. They stated that the storm flow does not exceed the allowable run-off. They have not provided the original calculations to Feller Finch. There was no need to. Those were all approved through the Wood County Engineer. They were approved, and he has the date on the front there. They were approved a couple of years ago. As the projects have been developing, he continues as the project manager to monitor that storm water flow to make sure that they are continuing to stay within the allowable run-off that has been set with those calculations.

He and Mr. Garn had quite a discussion about the landscape plans. He read one section of the ordinance which seemed to indicate they did not need landscape plans. Mr. Kuhn quoted another section which said they did need them which he had not seen. At this point they have their landscape plans in process but he does not have a design back. What they will be doing and what he assume the commission would do is make this an approval contingent upon Mr. Garn getting these plans from them.

They did not put in a sidewalk installed from the visitor parking area. The reason they did not do that is if they note the layout of the driveways, and this would be on sheet 2, from the parking space, as soon as you put in a sidewalk which runs up into the driveway, you're encountering all the same traffic that you would encounter coming around the highland. There really didn't seem to be a good reason, a good traffic safety issue that that sidewalk would serve that purpose, so they did not put that in. If there are any other questions, he would be more than happy to answer them.

Mr. Black asked if there were any comments. Ms. Warnimont asked where the parking was at on this. All she sees is one of them says two-car garage in one of the box areas, but where is the parking. Mr. Opel said there were originally two parking spots which is what this plan shows. However, they revised that to be one van accessible handicap parking area. Mr. Black asked if this was just to the right of the two-car garage. He said just to the right. Correct. Mr. Black said it's 20 feet deep, and the response was yes. Mr. Black asked is it just one spot or multiple spots because he can't tell. Mr. Opel said there is actually one slot there with an eight-foot wide walkway to meet ADA requirements for a van accessible parking space. The sidewalk that Mr. Kuhn was referring to would be just a 10 or 15 foot sidewalk right here. The problem with doing that, once you put that in there, you are still encountering all the same traffic flow that's coming in, and it does not really matter where that sidewalk is or that there is one. Anybody who is in that parking space is going to encounter the same amount of traffic flow. Mr. Black said he thinks what he is talking about is just extending this 3 feet. He asked Mr. Opel to come up. He asked what this area is here. Mr. Opel said that is the lighting. Mr. Black said those are walkways. Mr. Opel pointed out the parking space. Mr. Black said they are talking about bringing a sidewalk from here to there, and wondered if that was right. Mr. Opel said up into here. It didn't serve a purpose with traffic safety. It was clarified that Mr. Opel is saying there is no less traffic here than here, and this driveway serves the entire area. Mr. Black asked if Mr.

Schaller agreed with that. Mr. Schaller said it's the same amount of traffic, he guesses. Mr. Black asked what the area was to the north of that van accessible area. Mr. Opel said that would be an open area. They would put plantings, grass, some bushes in that area.

Mr. Black asked if there were any other comments from the members or Mr. Garn, and there were none. Mr. Black asked if there was a motion to approve the site plan subject to the landscaping being submitted and approved. He wondered if they were sure that the drainage calculations were correct. The response was yes. Mr. Black said but they have not seen the original ones. Mr. Opel said the original ones were approved through Wood County who maintains the drainage. Mr. Black said but he thinks their engineers need to see those original calculations, and that is part of this site plan approval. They need to see that and confirm that they are correct as well as submit a landscape plan that would have to be approved in order to have a site plan approved also. Mr. Schaller asked if they were approving the signage, and if that was part of it. There is a sign showing there. Mr. Black asked Mr. Garn regarding the signage, are the engineers approving that also, or is that something that he would review. Mr. Garn said that is something he would review internally. Mr. Black said so approving this site plan would include three issues. Approval of the signage that they are including, the landscape plan as well as verification of the original calculations confirmed. Mr. Garn said the signage is usually part of the landscaping now. Mr. Garn said by approval they mean to have Mr. Kuhn also look at it, and Mr. Black said yes. Mr. Black asked if there was a motion to approve with those three issues. Ms. Warnimont moved with a second by Mr. Schaller to approve the site plan with the three conditions as stated. There was no further discussion. Yes votes by Ms. Warnimont, Mr. Schaller, Mr. Rometo, and Mr. Black. Motion carried 4-0-0.

#### **INFORMAL DISCUSSION CONCERNING THE FALCON TRUCKING TERMINAL.**

Dan Schimmoeller owns the property at 28569 Glenwood Road which he leases to Falcon Trucking. This property had previously been used as a trucking terminal. Last year Mr. Schimmoeller increased the parking area. All of the parking area is stoned. Complaints about dust had come in, and they had the stoned area coated for dust control. They are eligible for a site plan review. They would like your consideration and advice before proceeding.

Dan Schimmoeller addressed the commission regarding this informal discussion. He has had several discussions in the last few days with Mr. Garn regarding the dust problem. He knows in the past he has talked to some people at Falcon. This is just a local terminal and not their headquarters, so some things do get lost in the shuffle. They have been working on improving the lot over there. It says they added a lot. They did add some automotive parking out front. As far as the truck parking, that lot size has not been increased. They have added quite a few ton of aggregate to eliminate some of the mud problems, and that's where some of dust issues are coming from. The driveway going in and out is blacktop on both sides. Falcon did spend

approximately \$4,000.00 on dust control last fall, and had planned to do it. He had talked to Mr. Garn about putting down some asphalt grindings first and then putting the dust control down. He brought in some pictures of the lot and a building blueprint that he can leave. Mr. Black asked him to share that with them now.

Mr. Schaller asked, this is the south entrance, is there one on both sides or anything, and the response was yes. Mr. Black asked if the asphalt actually comes out to the road to the fenced area where it becomes non-paved. Mr. Schimmoeller said part of the problem is there has been mud tracked out on the side of the lot, and that has created some of the issue. The adjoining properties are significantly higher. This property is mounded pretty good in the center, and it slopes down on the side. There is a surface ditch on both sides to drain both properties. Mr. Black asked if these were the buildings, and the response was yes. They may have a site plan. He has talked to Mr. Garn in the last few days when he heard about the meeting.

Mr. Black asked Mr. Garn about what comments he has. Mr. Garn said this started last year with problems with dust, so he had talked to the people. They eventually took care of it. One of the bigger concerns he has is one of the neighbors has a breathing problem, either asthma or something like that. So it started this year. Again, it was a dry part of the late winter, early spring, and there was a lot of dust again. The parking that was put in, he is just sort of judging, but there were probably 20 to 30 places because there is a big U in the front where that dirt was taken out, and there was stone put in for a lot of the employees to park there. Then he found out subsequently that a lot of this was actually done with the township.

Mr. Black said so the issue is they have a dust problem that they took care of last, and Mr. Schimmoeller said yeah, and it's starting this spring. They have been hauling most of the aggregate to fill in a lot of the holes, but there has been mud along the fence. The adjoining property is a little higher, the run-in, and they have been building the parking lot up. They hauled like 67 ton in so far.

Mr. Black asked Mr. Garn if there was a reason that this area should not be fully paved. Mr. Garn said at some point it needs to be looked at for engineering and paving to see for future expansion at some point just to take care of the water problems that the neighbors are causing for him.

Mr. Schimmoeller said he does not know that all the dust issues are off of this lot. The adjoining lot just put within the last year aggregate, the whole back of their lot. Mr. Black asked what it was prior to that. Mr. Schimmoeller said brush. There was nothing there but brush and mud. Mr. Black asked what the area was zoned. Mr. Garn said I-2. It's next to an R-2 residential. The neighbors that called to complain said that the previous tenant on the property had a terminal there, but it was a very low traffic. Trailers were sitting around quite a bit. So Falcon has a lot more business obviously, so there is a lot more truck traffic going through the area.

Mr. Black said he did not understand why expanding their area of usage isn't a requirement to come in and submit a site plan. They do that with the auto auction all the time. Mr. Garn said right. And actually once you increase the number of parking spaces. The parking spaces are normally increased because the building has changed in size or something. The buildings have not changed in size, but the employees have. Mr. Black said when you take what was normally grass or weeds or whatever and turn it into a lot that's used, isn't that expanding the parking area, and Mr. Garn said yes. Mr. Black said and you're saying this property didn't expand the parking area, but the adjoining property did. Mr. Schimmoeller said they expanded not the truck parking. The lot on the back where the trucks park has been stoned all the way to the fence. All they did was expand the front for employee parking.

Mr. Black felt the short story is in both cases the adjoining property and this property need to come in for site plan approval. If they can't control the dust, it needs to be a hard surface which is the only way you can guarantee maintaining dust control. Mr. Schimmoeller said it gets to the point to run loaded semis on asphalt, it's not like doing a driveway for a car. Mr. Black said he recognized that. The issue is you can't have dust. That's not right, particularly up against R-1. You shouldn't have it anyway, but certainly not against residential. So the short-term answer is the dust problem has to be mitigated. Mr. Schimmoeller said that's why they were proposing the aggregate, because they have used that on their other parking lots and it seemed to work pretty well.

Mr. Black asked what recommendations the committee members have. Ms. Warnimont agreed with Mr. Black, both of the property owners need to come in with a site plan. Mr. Black said it sounds like they have some drainage issues. Immediately what they need to do is do whatever they do to reduce the dust. But there is some type of thing that he needs to do immediately to be a good neighbor. So that's his recommendation as one committee member. That needs to be taken care of soon. Beyond that he needs to come in with a full site plan from a drainage standpoint and a more permanent dust reduction program. And they need to have the adjoining property owner come in as well from a drainage standpoint.

Mr. Black commented that they push people like this auto auction place, and here they have other people that are much closer to residential, the way it was characterized to him, that is inappropriate. He is sure they can appreciate that issue. Mr. Schimmoeller said that the township was aware of everything he was doing over there. Mr. Black said he recognized that. They can only worry about what their charge is, and their charge is to try to get property owners to comply with zoning issues. What goes on beyond on a day-to-day operational basis is really beyond their control. But once they are made aware of what's happening, they need to do what's right because they have more than just him to think about. They have adjoining property owners to think about.

Mr. Schimmoeller said once a lot is built up, you don't have the mud issues. You put the dust bond on and take care of the problem. To dig that entire lot out and put asphalt in their to run loaded trucks through there just is not financially feasible to do. Dust is the issue, and if he can control the dust. Asphalt grindings is what they take off the road, and you put that down and pack it. He has seen several lots and talked to other contractors, and they have done some of it in their own lot and it has controlled the dust.

Mr. Black asked about the issue of the drainage. Mr. Garn said that is something that should be looked at by a professional firm. Mr. Schimmoeller said it's the residences that drain into this lot. Mr. Black said on to his property, and he said yes. Mr. Schaller said if there was all proper drainage, the part where the area is will never hold up without kind of addressing that. That's what usually leads to deterioration in the first place. Mr. Schimmoeller said basically there was five-acre lots there set up for the commercial businesses, and there is a surface drain between each lot. Then it was mounded from the neighbor's lot, which you can see in the pictures, and this lot, and they slope to the side and run out to the front ditch. Drainage has not been the problem. He thinks it's more of the mud initially because this company does run loaded trailers, and the other company primarily ran empty trailers and parked them there for storage. So they do have more usage that goes through the lot.

Another thing Mr. Schimmoeller was going to propose is the speed bumps. Because if they slowed the trucks down, that would eliminate a lot of dust. Mr. Black said you mean on the asphalt areas, the two entrances, and Mr. Schimmoeller said in the traveled area. You take a loaded truck and you drive through there like a mad man, you are going to have a pretty good-sized cloud of dust behind you, and it grinds up the stone. He has 30 some years of experience with stone getting ground up. Mr. Black said so he would suggest putting down this ground asphalt. Mr. Schimmoeller said it's more cost putting it in and packing it down with a roller, and put some speed bumps in, and then put the dust bond on it. If that don't do it, we will have to go another step. Mr. Black said this has been an ongoing problem, or more now since it's more active.

Mr. Schaller asked how long Falcon has been in there. Mr. Schimmoeller said they just took over. At one point Rouen was moving out, Falcon was moving in, and there was actually two companies in there. Another thing that is going to alleviate a lot of it is the fact that Falcon now has more parking where they are parking next door. Alvin Trucking is in there. He does not know who the owner is. Mr. Black said this is the adjoining property that formerly had weeds or whatever, and Mr. Schimmoeller said right. Now, the front end of their terminal is blacktopped. It's kind of broken down. It's been there for years as well. The back end, they extended their parking lot on the back end with stone, parks up front in their parking lot and pays to park over there, and that's alleviated a lot of the traffic problems in the parking lot. So it's not as bad as it was.

Mr. Black said it sounds like they have more than just this property to be concerned with. His point is Mr. Schimmoeller is asking if he can put this crushed asphalt, push it down and put some speed bumps on it. That's what his concern is with this property. But they have another issue as the ZC about adjoining properties. Mr. Garn said, and the concern on this is whether it should at some point be engineered for the water. He does not know if that needs to be done at this time or later. Mr. Black said this is an ongoing problem, and he thinks they want to solve the immediate issue, and maybe in the long run they will have to do something more. Mr. Garn said they had one of these before where the ZC wanted them to come back a year later and see how things had progressed.

Mr. Black said they also have to worry about the adjoining property. Mr. Schimmoeller said most of the water comes here in the surface drains which is on the property lines of the two properties, from the residential, the drains which they have seen the pictures. Alvin Trucking is in there. He does not know the owner of the other property. It used to be a company out of Detroit that owned the property. If they could get the dust under control which seems to be the issue, if that would satisfy anybody. And if it didn't, they would have to go to another level. As far as the drainage, the residential lots sit up higher than this lot, and the surface drains flow quite well. Mr. Garn said his concern with the drainage is when different things are compacted on there as to how the water might run off. At some point say it were asphalted, there would have to be some kind of detention ponds put in, something like that to hold the water in between. So he is suggesting something half-way in between. Mr. Schimmoeller said this is less than 5 acres, and where are you going to put a pond at. There is really no room for it. Mr. Garn said generally he thinks with the ponds that they put something underground that holds the water, or the pavement itself is the ponding area. Those are things that get engineered.

Mr. Black asked if there were any recommendations from the members. Ms. Warnimont asked how much the ground-up asphalt would cost him. Mr. Schimmoeller said the grindings is about 10 to \$12.00 a ton. Sometimes you can get it for nothing if they are doing the street right next to you. He has gotten grindings off of Route 20 from SE Johnson because they were driving right by his property, and they had a surplus. If you have to buy it and they truck it a ways, you pay approximately 8 to \$12.00 is what he has been quoted. Ms. Warnimont said and he does not have to dig up any of the stone to any degree to put that on first. Mr. Schimmoeller said you put that on the top, fill in whatever holes are out there, and take a compactor and compact it, and then come out and spray it with the dust bond. The dust bond is kind of an asphalt mixture. It's all EPA approved. There have been some other problems with the dust because they had the fuel tanks pulled out. They had EPA and the fire marshal involved, and he has a letter that gave it a clean bill of health. But the firm that did it took most of the summer, and they had dirt and mud and a mess all over the place in that parking lot, so that created problems. Finally that got taken care of, but that took several months or longer to get that under control. There have been several things

that added to this. They park about half of what they used to park in there. It was kind of a mess at first.

Ms. Warnimont asked how many times do they put the dust control over it on an average from this time until October. Mr. Schimmoeller said they usually figure once in the spring and once in the fall. The quote they have is \$4,000.00 to do the lot for the dust control per application. Mr. Black said that's keeping it the way it is now and putting dust control on it. Mr. Schimmoeller said once you do dust control and you do it year after year, you build up a base. It almost looks like a blacktop parking lot after awhile. Mr. Schaller said to a certain extent as it was out there, it's sort of like no harm, no foul. And now they go out there and start circulating dust, so now it's everybody's attention. You go out and put millions on it, and then you have to do something later, is that going to make their problem worse as far as the cost to do it. Mr. Schimmoeller said you are probably looking at to do that entire lot probably 400 to \$500,000.00. Mr. Black said are you talking about asphalt, and the response was yes. Grindings was kind of the by-product. Like when they do the roads, they grind up the top and put the new surface on. Mr. Black asked if he had put anything on for dust control this year. The response was no, they were scheduled to. Then he heard about this meeting, and he talked to Mr. Garn, and he said hold up until they have this meeting. Then there was rain in the meantime.

Mr. Black said his suggestion is to put on the dust control to take care of it immediately, and work with Mr. Garn, and come back next month to discuss this and see where they are going. And also talk to the adjoining landowner to the extent that that is a problem. Mr. Garn said and not do the asphalt at this time. Mr. Black said no, he thinks it's been an ongoing problem. They can solve the immediate problem by putting the dust bond. Mr. Schimmoeller said put the dust bond down, and some speed bumps, and slow the trucks down. Mr. Black said he thinks this is going to take some time. They have more than just this property, and make sure that they give it more attention than tonight. This is the first time it has come to the full commission's attention. Mr. Schimmoeller said he was not personally aware that it was quite the issue that it was. He found out through one of the guys that there was going to be an informal meeting about the dust. He thought he should get ahold of somebody, and that's when he called Mr. Garn. And they have had several conversations about the lot, and here he is. Mr. Black asked if that was fair with all the commission members. Mr. Schimmoeller said he would get it scheduled and get it sprayed right away. And if they hear of any other problems, let him know. Mr. Garn said he has worked with Falcon, and there is a time to get a site plan and work things out.

Mr. Black asked Mr. Garn about the site plan review that they deleted, do they need to discuss anything else, or let that go for another meeting. Mr. Garn said they could let that go, other than there is a miscommunication between himself and the Wood County engineers and the PC and so on as to who is to review certain parts and things that they were doing, and he was thinking more on the site plan review process where he

was thinking with the county of the plan for the subdivision. And the developer considers a PUD a subdivision which has a PUD type of zoning on it, but they were planning on dedicating their streets and roads and giving them over to the township and so on. So it's a little different than some of the other associations. Every one is different. Because of miscommunications on the county, they haven't done any review yet.

Mr. Black asked if any of the members had any other issues they would like to cover. Mr. Garn had another thing. This is a little problem that Mr. Opel brought out, and that had to do with their zoning resolution. In the one section of site plan review it mentions that all commercial/industrial have site plan approval. Then when you get back into the landscaping, the landscape section, the landscape section says that everything that needs a site plan whether it's turned into landscaping. Their sentence is a little too long here. It should eliminate the word industrial, or somehow include not just residential, but the high density residential. Because normally a subdivision, they are not going to do landscaping looking at that. But in the apartment complexes and things like that is where you get into that area.

Mr. Herick from Mr. Beefy's, from American Roadhouse. He talked to Mr. Garn briefly about a patio up front. He wants to know about the time frame because he wants to get it in by Memorial Day weekend. He came here today and wanted to know if they do or do not have to have approval. Mr. Garn said he has not had a chance. He saw some plans were faxed over on a rough sketch, and he was going to review it. It's going to be a patio of a little over a thousand square feet that's going to be built on the front side of the building. Whether that would need any type of site plan approval or something like that, or just be a straight type of zoning. It's interesting, the county does not require anything from the building inspection because it's an outside area that's not enclosed, so they don't include that in their seating. One of the reasons, talking about this with Mr. Hetrick, is there has been a lot of controversy and so on, so there are a few neighbors that are going to look at this. He does know that if it's under a thousand square feet and it doesn't effect more than five parking spaces, you don't have to have that. He said they could make it under a thousand. That's not an issue with them. Mr. Garn said it has to do with parking area, and if it's on the front of the building, he does not know where the setback line is. Mr. Black said he would suggest that he bring a plan in. And the short answer is no, it won't be ready by Memorial Day, their process. The question was even if it was less than a thousand square feet. Mr. Black said given all the issues, he thinks it's best to have the full commission have the chance to review that. He asked Mr. Garn when the next meeting is. Mr. Garn asked if they were going to have about seventy, and the response was if you go by the law of averages, when you take the square footage and divide it by 15 feet per person, it's 70, but he does not think it's going to add 70 to their total building. That activity is just for outside dining. Mr. Garn said it's an unusual situation.

Mr. Black asked the other commission members for comments. Ms. Warnimont asked what they propose, there is no parking there anyways. He said what they are proposing, the canopy is in the front, and they will be even with that. They put 12 foot doors in the front there, and they were going to put an addition on there sooner or later, but they decided to put a patio out there. He met with the owner of the property this morning, and he has no problem with putting that up there. They are going to keep that section of the building and put the split faced brick or the block up. Where that window is they are going to split face block that back in where it's not. Originally they were cut in for windows at one time, and they decided not to. You will hardly notice the patio is there. It won't be red, white, and blue or nothing, it's going to be white-faced brick, and it will have a planter on top this high so you can't see the people. It will have an exit. They were hoping to get it done by Memorial Day weekend. In talking with the owner, he did not have a problem with it, but he said to call Mr. Garn and ask him. Mr. Garn said because he could not issue a building permit until he had a zoning permit. Mr. Black said it would be his recommendation to wait and meet with Mr. Garn and get the information together. He said he has people coming in tomorrow with backhoes, and he wanted to make sure. Mr. Black said he appreciated him coming in. Other people would just do it. He said they painted the building. They were asking for forgiveness than for permission, and he does not want to get into that with any of the residents. Mr. Black thanked him for coming in.

Mr. Black asked if there was a motion to adjourn. Ms. Warnimont moved with a second by Mr. Rometo to adjourn. All in favor. Motion carried 4-0-0. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Grant W. Garn,  
Recording Secretary