

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

ZONING COMMISSION MEETING
June 12, 2006

The Perrysburg Township Zoning Commission held a meeting on June 12, 2006. Robert S. Black, Chairman, called the meeting to order at 6:00 p.m. and welcomed all in attendance. A roll call was taken. Grant W. Garn, Zoning Inspector, was also present, along with John Hrosko who was present in the audience. The meeting was tape-recorded.

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: Mr. Garn said they needed to add to the agenda changing the meeting date in July to the 17th at 5:30 p.m. Mr. Black said as an agenda item this evening, and Mr. Garn said yes. Mr. Black said with that change, is there a motion to approve the amended agenda. Mr. Rometo moved with a second by Ms. Warnimont to approve the agenda as amended. A roll call vote was taken. Yes votes by Mr. Rometo, Ms. Warnimont, Mr. Benavides, Mr. Schaller, and Mr. Black. Motion carried 5-0-0.

APPROVAL OF 5/8/06 MINUTES: Mr. Black asked if there was a motion to approve the minutes. Ms. Warnimont said she would move to approve the minutes with the minor changes she brought to Mr. Garn's attention. Mr. Black asked with the minor changes to the minutes if there was a second. Mr. Rometo was the second on the motion. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Rometo, Mr. Benavides, and Mr. Black. Mr. Schaller abstained. Motion carried 4-0-1.

Mr. Black asked Mr. Garn if he had the volume turned up since they are getting a little feed back. Mr. Garn did some adjusting, and Mr. Black said that was much better.

Mr. Black asked if there was anyone in the audience who wished to comment to the board on any non-agenda issues, and there were none.

SITE PLAN REVIEW FOR EMERALD LAKES PLAT 2, SPR-2006-03. McCarthy Builders, Inc., would like to go forward with Plat 2 of Emerald Lakes. National Survey is working on this project. An independent engineering firm is reviewing the plans and checklist for compliance. We have not received the revisions as of this date. Our fire inspector is also reviewing the submission. They have not included a landscaping plan.

Brian McCarthy addressed the commission regarding this site plan review. He told the commission he is here this evening for Emerald Lakes for a site plan review for plats 2 and 3. At this point what they have done is their engineered drawings are out for their first review. They went to WC for their review. They went to the Northwest Regional Water and Sewer for their review, and then went to the City of Perrysburg for their review. At that same time they went to the commission's design engineer, Dave Kuhn, at Feller Finch for the township's review process. At this point they have comments back from all the agencies including Mr. Kuhn, and they have their comments associated with the drawing. He thinks the commission is in receipt of those.

They are in agreement with all the conditions for approval with the exception for Emerald Lakes Plat 2, under 3A they list it as a deficiency that the pond lots in Plat 2, they are to be a minimum distance they say of 25 feet from the lot line to the edge of the pond. In their original approval for the site plan they show the foundations to be 25 feet from the water's edge and not the lot line. That's how phase 1 was designed also, that the water from the pond is 25 feet from the foundation. But all the other comments he feels are right in check with the other review standards of the different municipalities, and they are in agreement with all of those.

Mr. Black thanked Mr. McCarthy and asked Mr. Garn if he had any comments. Mr. Garn said he talked to Mr. Kuhn late this afternoon, and he had talked with National Survey, and they were to take care of all these deficiencies. He felt confident they were going to be able to do it, but he has not received anything yet to recheck everything.

Mr. Black asked Mr. McCarthy if he had made all the changes or will be making all the changes necessary to the 18 items that Mr. Kuhn sent him from Feller Finch, and Mr. McCarthy said that's correct. Mr. Black said it's just item 3A that needs to be addressed yet, and Mr. McCarthy said that's correct.

Mr. Black asked Mr. Garn if that would require a BZA issue. Mr. Garn said that's the one issue that he needs to double check on, because this is a PUD, as to whether that would be considered in their district or not. He believes last time they just came before the ZC for the pond approval. Mr. Black said so that is something they can address this evening, and Mr. Garn said he believes so. Mr. Black said so the action that would require immediate action would be that before they could go ahead and approve the site plan, or approve it based on the 25 foot setback from the foundation, and Mr. McCarthy said from the water's edge to the foundation.

Mr. Black asked if there were any comments from the members, and Mr. Schaller said recognizing that it is a change, he is curious why they would not be consistent with Plat 1 with the original 25 foot setback. He does not recall that being discussed before. Mr. Black asked if this was different than plat 1. Mr. McCarthy said it's the same, and actually it's shown right here on the original preliminary drawing. It's shown right here

on one of their schematics of their building envelope. That's been consistent with the overall site plan and the site plan review for phase 1. That's always been the case.

Mr. Black asked if there were any other questions, and Ms. Warnimont asked what about the landscaping that they said was on here. They have not included a landscaping plan. Is that something that needs to be addressed yet. Mr. McCarthy said correct. It's his understanding that they would need to come back to them for the common areas for the landscaped areas, and they would come back to them to seek their approval for that.

Mr. Garn said there is still discussion with the trustees about trees in the right-of-way. Mr. Black asked Mr. McCarthy if he was aware of that. Mr. McCarthy said it came up. He does not know when that came up. He sees it in here, and it came up through a phone call to him about a month ago. His only concern about that, and his comments to the gentleman that called him about that, were in this particular subdivision there is a 25 foot setback. And that means from the right-of-way line to the home is 25 feet. Well, within that 25 feet is a 10 foot utility easement where all the utilities go through, the phone, the cable, and the electric. That would mean then if you were to place a tree in the front yard outside of the right-of-way, it would only be about 15 feet away from the house maximum. So you would probably want to center that between the utility easement and the home, so that would only be 7 1/2 feet away from the home. So the requirement to put trees in a subdivision would really create a hardship having them 7 1/2 feet away from the home. Mr. Black asked him what he did on plat 1. Mr. McCarthy said they have not done anything on plat 1. In their previous subdivision they have planted them in the right-of-way. His suggestion, if he could make one, would be, and he thinks it was more of a maintenance item, per se, and Mr. Black said from the township's standpoint, and Mr. McCarthy said correct, and his suggestion to the gentleman that called him was if there was something like it was on the plat that trees in the right-of-way would be maintained by the homeowners in the subdivision, he thinks that would probably resolve some of the concerns about trees in the right-of-way. Mr. Black asked who called him. Mr. McCarthy said he was not sure. He thinks it might have been Mr. Britten possibly and was asking just his comments about trees in the right-of-way. He is not sure. It was a little bit of time back. Mr. Black asked Mr. Garn if the trustees had come to a conclusion on that issue, and Mr. Garn said no, they have not. He pointed out that Mr. Hrosko is present this evening, and he thinks they are still up in the air.

Mr. Hrosko said that issue is still up in the air at this time, not only their zoning code, but that the zoning code of the city that requires trees in the right-of-way. Mr. Black said the issue of maintenance that Mr. McCarthy brought up, he knows that was one of the reasons, who takes care of them as they grow. He asked if that made sense to him in a PUD in this particular case if the homeowner was responsible. Mr. Hrosko said the trustees have addressed this issue, but they have not made a decision one way or the other on the trees. They have seen a subdivision with the trees in the right-of-way and

they thought it looked pretty nice. He could bring it up to them, E-mail them tomorrow on that. Mr. Black said he thought that would be helpful, and with the concept in these particular cases where the homeowners' association would take responsibility for them. Mr. Hrosko said he would be glad to do that and let them get back to him, E-mail him or call him, and Mr. Black said that would be great.

Mr. Schaller asked who actually plants the trees, is it the individual homeowner. Mr. McCarthy said he does as the developer so they have a uniform street tree plan, and so on and so forth.

Mr. Black said to Mr. McCarthy why don't they proceed from the tree standpoint and see what Mr. Hrosko can find out. And if that is all right with him, that may be something that they will use. Mr. McCarthy said that would be fine. That was one reason that he did not submit a landscape plan, because it was sort of up in the air, so hopefully they can work through that issue.

Mr. Black said having addressed that specific issue, he asked Mr. Garn if he had any other comments. Mr. Garn asked if they wanted to include plat 2 and plat 3 in the same vote, or do them separately. Mr. Black said they will do separate votes. Mr. Garn said that was fine. Mr. Black said similar motions but separate votes. They are addressed that way, and they are separate applications, and Mr. Garn said that is correct. Mr. Black said let's make the vote separately with the understanding that the trees will be addressed at a later time, and the landscaping plan will be addressed and submitted at a later time subject to their approval. He asked if there was a motion to approve the site plan subject to Feller Finch receiving all of the information that they wanted in this letter dated June 5th. Ms. Warnimont moved to approve the site plan for plat 2. There was a question raised if they needed to address the distance from the pond to the foundation. And Mr. Black said as part of that motion, yes, that the 25 feet is, in fact, to the top of the bank. Ms. Warnimont said from the foundation, and Mr. Black said correct. Mr. McCarthy said the edge of the water of the pond to the foundation is a minimum of 25 feet. Mr. Black asked Ms. Warnimont if that was her motion, and she said right, include that 25 feet from the foundation to the pond. Mr. Black asked Mr. Garn if he was clear on the motion, and Mr. Garn said yes. Mr. Black asked if there was a second to that motion, and Mr. Rometo was the second. Mr. Black asked if there was any further discussion, and there was none. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Rometo, Mr. Benavides, Mr. Schaller, and Mr. Black. Motion carried 5-0-0.

SITE PLAN REVIEW FOR EMERALD LAKES PLAT 3, SPR-2006-04. McCarthy Builders, Inc., would like to go forward with Plat 3 of Emerald Lakes. National Survey is working on the project. An independent engineering firm is reviewing the plans and checklist for compliance. We have not received revisions as of this date. Our fire inspector is also reviewing the submission. They have not included a landscaping plan.

Mr. Black said to Mr. McCarthy that as he knows, they have another letter from Feller Finch dated June 5th also on that site plan review, and he asked him if he would like to make any comments on that.

Brian McCarthy addressed the commission regarding this site plan review. He said that one is fine in its entirety. There is no pond in phase 3, so there is no reference to any pond for plat 3, so the site plan review by Feller Finch is fine in its entirety.

Mr. Black asked Mr. Garn if he had any comments. Mr. Garn said no, he does not. Mr. Black asked if there was a motion to accept the site plan for Emerald Lakes Plat 3. Ms. Warnimont said subject to the trees and the landscaping plan. Mr. Black said that's a good point, subject to the landscaping plan coming in later, and the tree issue that was discussed with plat 2, as well as complying with any outstanding issues pursuant to the letter. Mr. Rometo so moved with a second by Mr. Schaller. Mr. Black asked if there was any further discussion among the members, and there was none. A roll call vote was taken. Yes votes by Mr. Rometo, Mr. Schaller, Mr. Benavides, Ms. Warnimont, and Mr. Black. Motion carried 5-0-0.

SITE PLAN REVIEW FOR COVENTRY WOODS OFFICE BUILDING ON LOT 5 SOUTH, SPR-2006-05. Some office owners would like to build an office building on the south part of lot 5 in Coventry Woods. Michael Devolder of Preferred Construction is working on this project. An independent engineering firm is reviewing the plans and checklist for compliance. Our fire inspector has also reviewed this submission.

Tom Bergman addressed the commission regarding this site plan review. He told the commission that Mr. Devolder was called out of town. He believes they have gotten their review from their engineer, and they have made all the changes that he has recommended in there. Plus he has a handwritten note that their fire chief would like to have quick connects on the existing fire hydrant, and they will certainly do that. He also wanted them to increase the asphalt to the north parking line and then shift the dumpster enclosure to the west, and they will certainly do that. Mr. Black asked what is the address of Preferred Construction, and Mr. Bergman supplied that to Mr. Black. He also asked for his last name, and Mr. Bergman spelled it.

Mr. Black deferred to Mr. Garn. Mr. Garn said he believes he has made copies of a memo that came in this evening. It was a fax from Mr. Kuhn at Feller Finch pretty much stating they have complied. Mr. Black asked Mr. Bergman if he had seen that, and Mr. Bergman said no, he had not. Mr. Black asked him if he would like to review that. Mr. Bergman said that's fine, and they will certainly comply with that. That is no problem. Mr. Black asked Mr. Garn if he had any other comments. Mr. Garn said no, other than possibly there are some property owners present.

Mr. Black asked Mr. Kienzle if he would like to come up and say anything.

Dave Kienzle addressed the commission regarding this site plan review. He told the commission that he is the developer and owner of Coventry Woods and Coventry Woods Limited, LLC, and they are in support of the project. He does want to see, as Mr. Bergman is aware, the suggestions of the fire chief relative to the movement of the dumpster. He just wants to make sure that that coordinates. Obviously his concerns are unique to the fire department, and his are the aesthetics and protection. So as long as the enclosure conforms and they can screen it properly, he is fine. Mr. Black said the fire chief would like the dumpster at the curb, and that's okay with him. Mr. Kienzle said he has not seen that at the curb. Mr. Black said he was just kidding. Mr. Kienzle said they would put it right on 65. Mr. Kienzle said they work closely with the new owner and the developer. They have a unique lot because it had three front yards. And they also coordinated with Dr. Clark who has the residual lot 5 to the north, and working with him. And they are doing some final work on the elevations of the building because it's a good sized building at 10,000 feet, and they are working to make that fit in aesthetically and break up the volume a little bit. But otherwise he thinks they are well on their way. Mr. Black thanked Mr. Kienzle. He asked Mr. Bergman if he was all set, and he said all set.

Mr. Black asked if there was a motion to approve the site plan. Mr. Rometo moved with a second by Ms. Warnimont to approve the site plan. Mr. Black asked if there were any other comments from the members, and there were none. A roll call vote was taken. Yes votes by Mr. Rometo, Ms. Warnimont, Mr. Benavides, Mr. Schaller, and Mr. Black. Motion carried 5-0-0.

SITE PLAN REVIEW FOR WAL-MART, SPR-2006-06. Wal-Mart would like to build a retail center on the northwest corner of Fremont Pike and Simmons Road. They need to resolve the public access roads turn lanes at Fremont Pike. An independent engineering firm is reviewing the plans and checklist for compliance. Our fire inspector has also reviewed this submission.

The commission was informed that their engineers are not here yet. Mr. Black said they will move on to the next item and come back to that when they arrive.

COMPLETION OF SITE PLAN REVIEW FOR ARBORS OF PERRYSBURG, SPR-2005-06. Arbors of Perrysburg on Oregon Road in front of the Walgreen's Distribution Center would like to place an area identification sign at their entrance.

Wayne Slaybaugh addressed the commission regarding this site plan. Wilma Robinson has submitted these plans for the signs, he believes, which they should have. Because of health reasons she could not be here this evening, so he is filling in. Mr. Black asked him for the name and address of the company, and Mr. Slaybaugh supplied that to Mr. Black.

Mr. Black asked Mr. Garn if he had any comments. He said they meet the requirements. They just put up the one sign in the V pattern by the entryway. It meets their zoning requirements as to height and square footage. It's just the final completion for the site plan review process. Mr. Black said everything complies, and Mr. Garn said everything complies. It's just something that should have been presented a long time ago, but they always wait until the very end for signage, most developers.

Mr. Black asked him if he had anything he would like to add. Mr. Slaybaugh said upon completion of that sign, if they approve it, is there a problem with visibility. And if there is a problem with visibility, can they chop a little bit of the vegetation along the open ditch. Mr. Garn said yeah, she asked him, and he does not think they would have any problems from ODOT or anybody to cut that down. Mr. Slaybaugh said that was the only question he had.

Ms. Warnimont asked how far back is it. How far back is he looking on that sign, how far back from the road. Mr. Garn said probably 90 feet. Ms. Warnimont said a good size. Mr. Garn said it's a long way from the road itself. Mr. Slaybaugh said he would love to have the right-of-way. Mr. Garn said there is a big right-of-way before you get to the area. Ms. Warnimont said it's a little hard to tell from the drawing. Mr. Slaybaugh said it's approximately 100 feet from the edge of the pavement.

Mr. Black asked if anybody else had any questions, and there were none. Mr. Black asked if there was a motion to pass the site plan for the Arbors of Perrysburg. Mr. Schaller moved with a second by Mr. Benavides to approve the site plan. There were no other comments. A roll call vote was taken. Yes votes by Mr. Schaller, Mr. Benavides, Mr. Rometo, Ms. Warnimont, and Mr. Black. Motion carried 5-0-0.

Mr. Black said the next item on the agenda is an additional item that refers to moving their July meeting date forward or later one week. It will be July 17th, and he asked if that was correct. Mr. Garn said yes. Mr. Black said their normal meeting would be the 10th of July. They would like the meeting date to be July 17th at the same time, 6:00 p.m. Mr. Garn asked if 5:30 would work any better. Mr. Black said 5:30 is fine with him. Mr. Garn said that's what they did last year to make sure there was enough time with the trustees' meeting at 7:00 p.m. Mr. Black said he forgot about that. He said they would not have any public hearings, and Mr. Garn said there is nothing that he knows of. 6:00 might work out. Mr. Black said he would rather do 5:30, and he wondered if there was a chance they could have a public hearing. Mr. Garn said there is a slight chance. He had someone come in today and pick up two zoning change requests, and they are hoping to get everything completed by tomorrow. Mr. Black asked if 5:30 is okay with everyone. Ms. Warnimont said she could get off at five. Mr. Black asked if there was a motion to change the meeting date to July 17th with a starting time of 5:30 p.m. for that meeting only. Ms. Warnimont moved with a second by Mr. Rometo to change the meeting date and time as indicated. A roll call vote was

taken. Yes votes by Ms. Warnimont, Mr. Rometo, Mr. Benavides, Mr. Schaller, and Mr. Black. Motion carried 5-0-0.

Julia Orwig addressed the commission regarding the Site Plan Review for Wal-Mart. She said she is the public relations/public affairs consultant for Wal-Mart for this northwest part of the state. She is sorry to tell them that their engineers are not present, and she is not sure that they are going to be. She just spoke with one of them who was not scheduled to be here, and he is checking with his colleague whom she thought was scheduled to be here. She does not know what their options are, or what their wishes are. He is going to call her back any minute. Mr. Black said so the chances are that he won't make it to this evening's meeting anyway, and Ms. Orwig said yes, that's correct.

Mr. Black asked Mr. Garn what the issues are here. They will be meeting next month on this issue, he gathers. Mr. Garn said he thinks there were a number of deficiencies, and his understanding is that the engineers from Atwell Hicks had not been in contact at all with their reviewing engineer, Dave Kuhn. Ms. Orwig asked if they know what the deficiencies were, and Mr. Garn said he believes so. He thinks they were faxed to them sometime ago. Ms. Orwig said okay. Mr. Black asked if there were any other comments. Mr. Garn said you can tell from everybody else here that they have been working on their deficiencies. Mr. Black asked if there were any comments from the members. Mr. Black said it does seem a little odd that they would have a site plan review that they would want approved to not be here. Ms. Orwig agreed. Mr. Black said with all due respect to Wal-Mart, he does not think they would deem that acceptable to any of the suppliers that want to have their shelf space. Ms. Orwig said she would agree. Mr. Black said it's disappointing. They will wait until next month. Ms. Orwig said okay. Mr. Black thanked her for coming. He told her July 17th.

Mr. Black asked if there was anything else that any of the members wanted to comment on. Mr. Schaller said he had a comment, and he said to Mr. Garn that he does not know if he has been by Walgreen's, but he gets to drive by that every day. The whole wild flower thing. With as much rain as they have had and stuff, to him it does not look good. He was through there today, and you can see a few yellow flowers here and there. Mr. Black said well, it was a new idea, and give them a chance.

Mr. Black asked Mr. Garn if he had anything else, or anybody else had any comments. He asked if there was a motion to adjourn. Mr. Benavides moved with a second by Mr. Schaller to adjourn. All members were in favor. None were opposed. The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Grant W. Garn,
Recording Secretary