

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

ZONING COMMISSION MEETING
July 18, 2005

The Perrysburg Township Zoning Commission held a meeting on July 18, 2005, at 26609 Lime City Road, Perrysburg, Ohio. Robert S. Black, Chairman, called the meeting to order at 5:30 p.m. and welcomed all who were present. A roll call was taken. The meeting was tape-recorded for recording purposes. Grant W. Garn, Zoning Inspector, was also present.

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

MEMBERS ABSENT: John J. Benavides, Stephen J. Stanford, and Jeffrey Normand.

APPROVAL OF AGENDA: Mr. Rometo moved with a second by Ms. Warnimont to approve the agenda. A roll call vote was taken. Yes votes by Mr. Rometo, Ms. Warnimont, Mr. Schaller, and Mr. Black. Motion carried 4-0-0.

APPROVAL OF 6/13/05 MEETING MINUTES: It was noted that Theilen was misspelled along with a couple of minor errors in the minutes, and that those needed to be corrected. Mr. Garn said he would take care of that. Mr. Schaller moved with a second by Mr. Rometo to approve the minutes with those noted corrections being made. There was no further discussion. A roll call vote was taken. Yes votes by Mr. Schaller, Mr. Rometo, Ms. Warnimont, and Mr. Black. Motion carried 4-0-0.

Mr. Black asked if there were any non-agenda items of public interest that needed to be addressed by the commission.

Sheryl Trumbull, who was present with a group of people with the same concerns, addressed the commission. She informed the commission that she lives in the condos across from Mr. Beefy's. She said she does not like to complain and has never done this before, but the noise from the balcony has been kind of loud at night. Mr. Black asked if that was the new patio they put on, and she said yes. She said she does not know if they do karaoke or what, but Wednesday night she could hear word for word what the man was saying. She had her TV on and her window open, and she is in the front so she can hear. Some of the neighbors are on the side, so they can't hear. She was wondering if it could be toned down a little bit, or not so late, or what. One night it was like 2:30. She even had company at her home.

Mr. Black asked Mr. Garn if they were going to be at the BZA on the 19th requesting a tall sign, and Mr. Garn said yes. She informed Mr. Black that she was told to come this evening if there were any additional comments they had. Mr. Black said he appreciated them coming. He informed her that Mr. Beefy's was before them before, and he thought they would be here this evening, and they are not. Mr. Black asked Mr. Garn if he attends the BZA, and he said right. Mr. Black asked him to bring this up at that meeting, that he thought that was appropriate.

Ms. Trumbull said she understands there is no noise ordinance in the township. Mr. Garn said that at the police department there is some type of noise ordinance. Also the ZC can put any limits, he believes, on a commercial business, if he reads this right. It's in a PUD area, and they can place any limits that they would like on a business in there as to noise and any other items, because Mr. Beefy's has not even come in for their temporary zoning permit on their patio. Ms. Trumbull said they were used to Croy's Supper Club, and they were very quiet, and now they get this. They pay taxes. They all own their condos right there. It's kind of difficult. Mr. Black thanked her for her comments.

Mr. Garn asked them if they all signed in, and she said no, they didn't. Mr. Black asked them if they would sign in on the clipboard so they have a record. They need to know who is concerned. Mr. Garn asked if they all had the same concerns, and the response was yes.

Ms. Trumbull said she had another question because they are not sure. They are interested in recycling because they notice that Shawnee Trace has little boxes out and stuff. How do you proceed to do that in the township if the township does not do that. Ms. Warnimont said that was just Saturday. It's always the third Saturday of the month. It's right across the street from the township hall. There is a trailer that comes in, and there are people out there collecting everything. You just bring everything there. Ms. Trumbull said, it's not something that you would set out, and Ms. Warnimont said no, it's not curbside. Ms. Trumbull asked what she meant by across the street. Ms. Warnimont said right across the street here on the other side of this building. You can't miss it. They will have cones and everything set up for how you drive through. They have organizations, and that's how they earn some money. They help out and take everything out of your car, and you don't have to do anything. They take newspapers, and cans, and bottles, magazines. Mr. Black asked Ms. Warnimont when that was, and she said the third Saturday of every month. Mr. Black asked about the hours. Ms. Warnimont said from nine to twelve. Mr. Black said that was good to know, and he did not know that. Mr. Garn said like the Boy Scouts, Girl Scouts, band boosters. It's a way that they raise money for their organizations. And they are all vying to see who can do it because they make money. Ms. Trumbull said they have lived down there for 10 years and did not know that was going on. Mr. Garn said it's only been going on for 2 years at the most. Ms. Warnimont said maybe three.

Mr. Black asked Mr. Garn what would be the best way to handle the noise issue. He knows he will bring it up at the BZA. Mr. Garn said they have not come in yet. He has drawings, but he does not have all the information from them to come in for site plan approval for that patio. At this point all they have is that temporary that they were given just as a trial basis. He would think when they come for their site plan review would be the time to handle the different issues. If he reads it correctly, since they are in a PUD area, the ZC can set hours. Mr. Black said, they are in a PUD area. Mr. Garn said yes, that whole subdivision is a PUD. Mr. Black said, and that building is in it, and Mr. Garn said maybe that's C-2. He had better take a look at that again. The subdivision is a PUD. Mr. Black asked if there was anything that the police department could do. Mr. Garn said possibly. There is a noise ordinance that is on the books, and that was more for trucks and things like that. He does not know if it applies to this. He thinks they may have something on supplemental noise. Ms. Trumbull said they were going to attend the BZA meeting because they are concerned about the sign going up. Mr. Black agreed and asked Mr. Garn if that was something that he could look up between now and tomorrow night and at least maybe have something more concrete. The comment was made that when Croy's was there, it was nice and quiet. That was a nice place. Mr. Garn said there is a thing for noise and vibration. Mr. Black asked what the enforcement was, is it him as the zoning inspector, or who enforces it. Mr. Garn said they would have to have an outside independent testing organization to determine that. Mr. Schaller said they hoped they could start out with at least a warning that it is affecting the residences there. They don't know if it's a band or what.

Mr. Black said he thinks it's important that they come tomorrow night, which they said they would, and put their names on the record on those issues. Because as things would happen, if they have to progress, that's documentation that would be needed. They thought they should speak up now or never. And also if they ever want to sell their places. Mr. Black said it's true that the sooner they speak up, the sooner the issue can be addressed. If they don't speak up, it cannot be addressed because they will not do it themselves because they don't know. The one neighbor said the people they rent to, she's in bed at 9:30 at night because she gets up at five in the morning to go to work. It gets a little rough. Mr. Black asked them to bring those points up tomorrow night, and he asked Mr. Garn to review that section and have a little more input at the meeting tomorrow night. They appreciated the guidance, and Mr. Black thanked them for coming in.

CONTINUED SITE PLAN REVIEW FOR EMERALD LADES: NUMBER SPR 2005-04.

Mr. Black asked if there was anyone present representing this site plan review. Mr. Schaller commented that they were not going to talk about that tonight. Apparently he's not going to be in this evening. Mr. Garn said he does not know if he is going to be in. He just called and said he cannot make it because his engineer could not be here, and he wants to be on next month's agenda.

Mr. Garn said on Emerald Lakes he talked to their reviewer, Dave Kuhn, and he has not heard back from them at all. He has given the commission copies of the notice. As Mr. Black knows, and he does not know if the rest of the members know, that there are problems between the city and the township at this time over site plan reviews. Basically on Emerald Lakes, the county engineer and their engineer are asking that the ponds' overflow be done a certain way, and the City of Perrysburg decided it should be done another way. And then the City of Perrysburg has come in and said that they want the streets put in as per their specifications, which are different than the county specifications. So the developer is now between two political factions. You can sort of read between the lines. Mr. Black confirmed that they are having a meeting tomorrow, and then there is another meeting on August 2nd, and Mr. Garn said right, concerning this issue. So they are seeing what can be worked out. But before now the city has just basically required sidewalks. Mr. Black and he met with the previous zoning inspector, and all he asked about in that whole area were sidewalks. Mr. Black said he does not know if they are reviewing what documentation they have in these contracts that allow them to review it. But whatever the issues are, they need to find out so they can let the developers know what hoops they have to go through, and not think they are done after they leave the commission and find out there are other issues. So they are trying to find out what the process needs to be, and put it together in written form so that people know exactly how much they have to do.

Ms. Warnimont asked about the issue with the prosecutor's office. Are they still reviewing that as far as what the legalities are. Mr. Garn said as far as he know, they are. Ms. Warnimont said it sounds like the commission needs an answer from them ASAP. Mr. Black said that Mr. Donahue was representing the township now. He does not know how that fits into Ms. Holmes. Mr. Garn said he has given them some guidance because he met with him one day, but he thinks they are still waiting for Ms. Holmes to get back concerning the county. Because the county legally is required to oversee certain issues, and he is not sure the township can give those rights away to the city. Ms. Warnimont said, and do they want to. Mr. Black said some of this has to do with that 99-year agreement, and that's where some areas aren't as clear as they should be. Ms. Warnimont said, but the county oversees everything else, then that's where they should be going. Mr. Black said that's what they are trying to do. Ms. Warnimont said it sounds like the city is overstepping their bounds an awful lot. Mr. Garn agreed. Mr. Black said it appears that way, but they don't think they are. That's the issue, and we need to come to terms with that. That's why they are going to meet August the 2nd. Mr. Black asked Mr. Garn confirming that no action will be taken on Emerald Lakes, and Mr. Garn said no action on Emerald Lakes.

INFORMAL REVIEW OF PROPOSED ZONING CHANGE ON SIMMIONS ROAD.

Mr. Garn informed the commission that on Simmons Road, he did bring that in. He did have a conversation with Dave Steiner at WCPC about item C somewhat because of the access that goes out on to Wyandot Place. He has some concerns. Mr. Garn informed

him that the ZC and the developer are not interested in going on to Wyandot Place, but he thinks Mr. Steiner has his own reservations about that.

Mr. Black asked a gentleman in the audience if he had any comments about this and if that was why he was present this evening.

Dave Polzin addressed the commission regarding this informal review. He is the trustee of the trust that owns the property. The property from Grassy Creek east is the property that is in their trust. The Wyandot Place access that Mr. Garn is talking about is down here. His parents set it up that way so they would always have access to Wyandot Place. The unfortunate thing is there is no water, but there is sewer back there. That's why he wants to come off of Simmons Road so he can develop back in there. He is not going to develop it, he just wants to get the land sold. His concern is to get through this process so he can take care of his business. His mother, bless her heart, did not want to sell it when she could, and so she left it to him. Unfortunately without access and so forth, it makes it a little difficult. The property up front is part of that also, but that's separate. There is a house and a small piece of acreage which he hopes to sell to the person that is living there, but that has nothing to do with the development at this point.

Mr. Polzin said he did talk to Dave Steiner at the county office. He wondered if he then contacted Mr. Garn on that, and Mr. Garn said yes. Mr. Polzin asked what he said because he has not talked to him for 2 weeks now. Mr. Garn said he relayed to him some of the feelings people had about not using access on to Wyandot Place, and it was sort of like well, that's something that needed to go to the PC for them to sort of look at that for their type of issues. Like in a lot of subdivisions you see stub streets that eventually get used, but you don't know when they will get used. So he was not making any definitive answers.

Mr. Black asked if there was a stub street there. Mr. Garn said there is a 60-foot right-of-way which is the same thing. Mr. Black asked if that was the little part that comes down, and that's not part of his property then, that's public right-of-way. Mr. Polzin said that is part of their property at this point. It was left there because if his parents ever did develop it when they were alive, they had that 60-foot access to the back part. So it was left that way. Mr. Black said but there is no curb cut there. No, there is nothing there yet. It's just a 60-foot piece. Mr. Black said there would be nothing that would indicate that there was a future road to go out the way the road is paved and curbed now, or maybe it's not curbed. Mr. Schaller said it's not curbed, it's just paved there. Mr. Polzin said there is no curb there on Wyandot Place, just the pavement.

Mr. Schaller asked where his parents lived, there is sewer but no water there. Mr. Polzin said his parents have a septic. Wyandot Place has a sewer, but they do not have water is his understanding. He does not understand that either how they got sewer without water, but that's what they have. Had they had water, they could have run it

back through there, too. But that's the problem they are running into. He was hoping that the developer would be here this evening, but apparently his is not going to be here. His interest is as the owner of the place.

Mr. Black said their issue as the ZC has to do with the commercial use of the back property and running it through the residential area. Mr. Polzin said he had told him there was a problem with what he wanted to put back there, and having to change the plans or something. He was hoping to see him tonight and discuss some of these things. His main thing is is 60 foot adequate if they did have to run a road through there. Mr. Garn said that is the size that they would require. And it's actually probably too small to be a lot of record to build a house on in that area. It's sort of a messed up situation.

Mr. Polzin said when they first moved there back in '55 or whatever it was, the turnpike was behind them, but there was no I-75, and 795 was a two-lane road that went straight. Wyandot Place was not even there. It was just farmland. Very accessible. And over time progress has kind of blocked them into that area. He has very little options as to what he can do with that property at this point. Mr. Black thanked him for his time. Mr. Black asked if there were any other comments from the commission members on this issue, and there were none.

Mr. Black moved on to the discussion about Falcon Trucking. Mr. Garn informed the commission that Mr. Schimmoeller called up and said that one thing that he was looking at and wanted to just sort of pass it by the board was that they were considering putting, he believes, a cement driveway, he will call it a U shaped, all the way in and around and back out for the trucks to run on. Mr. Black said a paved driveway, and Mr. Garn said a paved driveway of some type, but then the parking areas would still be a stoned area at this time. They were going to be in some type of negotiation because the renter or lessee wants the building expanded. So he would think at that time that they are going to have to do something site plan review wise to bring everything up to par.

Mr. Black said it sounds like ultimately they are going to have to permanently pave all that area. That's what they are trying to avoid, but the regulations say that's what you need to do. Mr. Garn said he thinks his problem is that there is a residential area right next to his property, R-1 or R-2 zoned area for dust mitigation. Mr. Schaller said he has two things. One, it's contrary to the zoning code not to have it paved, and he would have to be against a residential that effects him. Mr. Garn said it's not contrary. The zoning in an I-2 area is allowed to have a graveled area. His problem is that he is near the residential area. He would have to check the regulations again, but he thinks they are allowed to as long as they keep it dust free. They don't say that they have to have a paved area, but he's in the wrong location. Mr. Black said the regulation is not specific that it has to be and wondered if that was right. Mr. Garn said on surfacing and on street parking, and he read the requirement. So they are within that 200 feet.

That Alvin Trucking who is all paved, they are over 200 feet away. That's his problem. Mr. Garn read more of the requirement.

Mr. Black said at their last meeting they gave them this arrangement until May 1st, and Mr. Garn said right. Mr. Black said actually they have to have a new plan in by May 1st as he reads the minutes, and wanted to know if Mr. Garn read it that way. Mr. Garn said he did not have the minutes in front of him, but he believes Mr. Black is right that they were giving him a reprieve. Mr. Black said as he recalled the minutes, it's fairly specific. He asked Ms. Warnimont if she knows where it is at. Ms. Warnimont said it's on page 3, the fourth full paragraph they talked about giving him until May 1st. Then the last paragraph towards the end, and she read that. Mr. Black said that was the line he was looking for. They have to come to a resolution prior to that date, that's not when they start talking about it. Ms. Warnimont said unless they decide to go through the building modification, and then it will be sooner. Mr. Black asked if there was anything else.

Mr. Schaller said he probably wants some feed back on what he has to do, or what's the expectations if he puts that addition on. Mr. Black said according to the I-2 they don't have to have it paved. Mr. Schaller said it's within 200 feet of the residential area, so it does have to be paved. Mr. Black said then that's the answer. Mr. Garn said he is going to get stuck doing that. Mr. Black said he will have to have a new site plan. He thinks that's the message to tell him that it will have to be paved. Mr. Garn said right. Ms. Warnimont said she thinks the only reason they gave him until May 1st is because they were talking about adding on to the building. Why pave something and then tear it up if you are going to put an addition on there. That's what they were looking at, too. If they were thinking about doing that, give them that much time. And then if something is not done. Mr. Black asked Mr. Garn to pass that on to him and let him know that it will need to be taken care of by next May. Mr. Garn said they will see how they can work everything out, because he may have to do some storm water retention and other things in that area. Mr. Black said they have plenty of time to manage that issue. He asked if that was all on that, and Mr. Garn said that was all on that.

Mr. Garn told Mr. Black that he has one other item to discuss. Mr. Black said other than Mr. Beefy's, and Mr. Garn said yes. He did just receive in the mail for the new stone quarry that's going to go on Route 20 in the unzoned area. He was going to bring up tonight to the trustees, they have never done anything about the access management that was available. That was over a year or almost 2 years ago that he talked to them about that. Mr. Black said that even applies in the unzoned area. Mr. Garn confirmed that even applies in the unzoned area. But he is sure the State of Ohio required them to do this traffic impact study for that. Mr. Black said that's actually a federal highway, and Mr. Garn said right. So it's sort of automatically going to be taken care of, but it still does not give access management for some of the other firms that are going up in the unzoned area.

Mr. Black asked, what is the enforcement. It's not a zoning resolution that they would enforce that. How do they enforce it. Mr. Garn does not remember. Mr. Black said he did not remember that there was an enforcement issue. They allow the township to address the issue. Mr. Garn said he thinks they said they will probably do the same as some other things, they would set up a board to handle the issue which would probably be the same zoning commission members to look at it. And then it would have an appeals process, and that would probably be the board of appeals, the same way that they handle the property maintenance code, which is for the entire township. Mr. Black said but you would have to work with the state on that. Mr. Garn said but that access management would be for the whole township, so it would be all the other roads whether they are county roads or township roads. Mr. Black said this probably is a good time to have them follow through on what they would like to do, the trustees. Mr. Garn said that would be nice. They have had the information, all these trustees, for some time. Mr. Black asked Mr. Garn if he was going to bring that up tonight, and Mr. Garn said yes.

Mr. Black asked if there were any other issues. They all had some discussion about the weather. Mr. Black said the next meeting is August 8th. Mr. Schaller said back at 6:00, and Mr. Garn said back at 6:00. Mr. Black said there won't be any public hearings because they did not send anything down to Wood County. Mr. Garn said no public hearings.

Mr. Garn said there is the possibility of site plan approvals. One would be for near the new Walgreen's store, and that shopping terrace behind, they are talking about just a restaurant, that separate building. He has not seen anything. It was supposed to come in this evening. Today is the cut-off day because of the three-week rule. That might be coming in.

Mr. Beefy's. The architectural drawings are done for their patio which eventually they talked that they wanted to enclose that at some point. Mr. Black asked Mr. Garn if he would be following them closely to make sure they comply with every step. Mr. Garn said yes, because they have not complied with anything yet. Ms. Warnimont asked if they came in for their fence permit, and Mr. Garn said no. Mr. Garn said they have not done a thing, and they were going to take care of all the information, the site plan. The architect did all of their work, got everything to him on time, but that's where that ended up. Ms. Warnimont asked how long they gave them, and could they pull the fence and ask them to take it down. Did they give them any kind of deadline for that. They were supposed to come in right away, could they go ahead and pull it. Mr. Black said they could, but they have so many issues it's not going to matter. He is not sure what they would accomplish there. Mr. Garn said they are not in for site plan review.

Mr. Garn asked if there was anything about the high-rise sign that they want to pass on the BZA. Mr. Black said one thing they want passed on is the issue with the noise. Mr. Garn said definitely with that. But Mr. Sturgill will say that has nothing to do with the

sign. Ms. Warnimont said, but if they are keeping the signs down with what they have on 20, the low profile. Mr. Black said they are within the overlay district. Mr. Garn said they already have a low profile sign on the premises. Mr. Black said he does not know how they could give them a variance. If you want to have a successful overlay district, starting to put those up, he does not know how you could give them a variance. The whole idea of the overlay zone is to have that type of signage like they have out in front of Lowe's or whatever. His opinion as a zoning member is then you have defeated the purpose of the overlay district. It's a thousand feet, so that would be his argument anyway. The overlay zone is very specific about the signage. If you are going to have variances on that which is very visual, why even have an overlay zone. Mr. Garn said he knows that BZA gave one, it was like a 15 foot high sign that was right on the edge of the overlay district. It was within 50 feet or less. Mr. Black said but there is no question this is in the overlay zone. Mr. Garn said there is no question. Mr. Black asked if that was all right if that message gets passed to the BZA, that if they are having an overlay zone, and this is what the limit of the sign is, that's why they need to do to effectively institute the overlay zone, which the intent was to give it the low profile look. Mr. Garn said the high sign would go against the intent of the overlay district, and Mr. Black said exactly.

Mr. Black asked if any members had any other comments on that or anything else. He asked if there was a motion to adjourn. Ms. Warnimont moved with a second by Mr. Rometo to adjourn. All members were in favor, and none were opposed. The meeting was concluded at 6:00 p.m.

Respectfully submitted,

Grant W. Garn,
Recording Secretary