

**PERRYSBURG TOWNSHIP ZONING COMMISSION**

26609 Lime City Road  
Perrysburg, Ohio 43551

**ZONING COMMISSION MEETING**

September 12, 2005

John J. Benavides, Acting Chairman, called the zoning commission meeting to order at 6:11 p.m. and welcomed all in attendance. A roll call was taken. Mr. Benavides asked if there is a quorum present to conduct business, and Mr. Garn said yes. Mr. Garn was also present, and the meeting was tape-recorded.

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

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

The first order of business was to elect a chairman to preside over the meeting. Mr. Normand moved with a second by Mr. Stanford to elect Mr. Benavides as the acting chairman. There were no other nominations. A roll call vote was taken. Yes votes by Mr. Normand, Mr. Standford, and Mr. Benavides. Motion carried 3-0-0.

APPROVAL OF AGENDA: Mr. Benavides asked Mr. Garn if there were any additions to the printed agenda. Mr. Garn informed the commission that at the end of the agenda under other items that they needed to add Woodmont Apartments, possible site plan review, some information on the site plan review for Eckel Trace, and rescheduling of the October meeting because of the holiday. Mr. Benavides asked if there was a motion to approve the agenda as amended. Mr. Stanford moved with a second by Mr. Normand to approve the agenda with those additions. A roll call vote was taken. Yes votes by Mr. Stanford, Mr. Normand, and Mr. Benavides. Motion carried 3-0-0.

APPROVAL OF MINUTES OF 8/8/05. Mr. Benavides said since there is only one member present to vote on the approval of the minutes, they will move on to the next agenda item.

Mr. Garn said he forgot to change the agenda, and that under site plan review B, it should be Arbors of Perrysburg and not Emerald Lakes. It was a typo error, and he forgot to delete the change.

Mr. Benavides asked if there was anyone present who wished to address any items of interest to the commission that are not on the agenda, and there were none.

**SITE PLAN REVIEW FOR ARBORS OF PERRYSBURG, NUMBER SPR 2005-06.**

Keith Ritz and Steven Kimmelman of the Kimmelman & Company are proposing a 114

unit apartment complex at 28863 Oregon Road which is in front of the Walgreen's Distribution Center. An independent engineering firm is reviewing their plans and checklist for compliance, and a copy of their comments is attached. The developer and his engineer are still working on the deficiencies and will have a letter in response. They do realize that they will need to go to the BZA for #12, the wet pond.

Dave Kuhn and Keith Ritz addressed the commission regarding this site plan review. Mr. Benavides asked Mr. Kuhn if they had had a chance to review those comments prior to this meeting, and Mr. Kuhn said they have reviewed the comments and addressed the comments on a revised site plan, and they sent Mr. Garn a letter addressing the comments also. He does not know if they have received those. Mr. Garn said he has made copies of those, and they are in front of the members this evening. Mr. Benavides suggested that they go through the comments item by item.

Mr. Kuhn said there are 21 comments from the Poggemeyer letter, and he said he would briefly summarize each comment and their response. Those 21 comments and their responses are not repeated in these minutes since all he basically did is read them to the commission members.

After Item 3 Mr. Ritz added that one of the things that they do is they have a centralized trash collection system. It's sealed as opposed to having a lot of dumpsters on site where people are able to pull their car up as they exit. It's a sheltered area, they put their trash in, and they have someone that goes out and turns a key and compacts it all. It's all sealed and does not have odors to it. They fence it in and they landscape it nicely. They put it on the sides of one of the buildings so it's not sitting out in front. It's a much easier and cleaner way to do it. They have some issues they have to contend with as it relates to the vehicle that picks up the refuse. He needs to be able to swing around and do what he needs to do. He wanted to add that.

Mr. Benavides asked that right now, even if they lose the two parking spaces, they would still comply with the parking requirements, and they responded they could. Mr. Benavides said the requirement is actually two feet more than what they are proposing. They responded that they are close. And the maintenance garage is a 35/30 foot building to park their equipment in, snow plowing, lawn care, that sort of thing. That's what they do with all their projects, they have a private maintenance facility.

Mr. Benavides asked if any of the commission members had any questions. There was a question about how noisy is the compactor, and the response was they would classify them as quiet. You can hear them, but you certainly can't hear them from inside an apartment building 12 feet away. One of their biggest complaints with tenants historically has been noise. They go to great care. They put soundboard in the walls. They know and put the ESTC levels at much higher levels than they need to be in order to keep things as peaceful and quiet between the tenants. They won't hear it whether it's 12 feet away or 20 feet away. Once they shut their doors, there is no noise.

Mr. Kuhn continued with the items reading the comments and responses at number 4. Mr. Benavides asked if there was a traffic impact study being done. Mr. Kuhn said no, and he can address that in one of the additional comments later on. They don't have the peak pm or am peak counts to justify according to the code. Mr. Benavides asked for who to do the impact study. Mr. Kuhn said for the developer or anybody. In their zoning code they have to have a hundred or more am or pm peak counts to kind of trigger that, and he supplied Mr. Garn with the graph that shows for low-rise apartments that it's below. He thinks one was 70 and one was 80 something. And based on the demographics that they cater to, 70 or 80 just won't happen. Mr. Benavides asked Mr. Garn about that. Mr. Garn said he received that today, but he does not know if he made copies for the members or not.

Mr. Benavides asked if they got confirmation from the county engineer's office that they will only allow one entrance, and Mr. Garn said that is something that they required when that was rezoned for Reitzel's on that property. There was just the one entrance to be accessed from Starbright, and the other one across from Starlight. They could possibly apply for right-in and right-out if they wanted to, but if they did any other entrance/exit it would be right next to the stoplight that Walgreen's has. Mr. Benavides understood. Mr. Garn said their fire inspector did look at the plans, and he had no problems with just the one. Also the street is surrounded by a few different areas, and they also designed the roads to be 26 feet wide, and that is very adequate. Their big radius is so trucks can get through.

Mr. Kuhn continued on with item number 6. Mr. Benavides confirmed that they don't know what they are thinking about right now with signage, and their response was a monument sign. The physical size, 5 by 10, but it could be smaller. 5 by 10 would be great. There will be landscaping out around there.

Mr. Kuhn continued with item number 10. Mr. Benavides asked if there was any other enclosure along that, and the response was just where there are drives, and just culverts where there are drives. He can't think of any other ones. Mr. Benavides said there is nothing else along Oregon Road there, and the response was no.

Mr. Kuhn continued with the comments at number 15. Mr. Ritz went into some additional detail regarding item 17. They will be providing that, but it's really a timing issue. Mr. Benavides asked about street lighting. Mr. Ritz said they have had complexes where they put wall packing in, the high-pressure sodium vault lamps. But they are cognizant of the safety issues of people walking down the street and making sure those areas are illuminated. The big issue is spreading all that washing off. A member commented that it's great that they have light on their own property, but they just want them to keep it there. That's the idea behind a plan being submitted, so it's like three or four lumens or something like that not washing off on to the property. Foot candles.

Mr. Kuhn continued on with number 18. Mr. Kuhn further commented that the applicant wants people to be able to see the site. Mr. Ritz said from a mounding standpoint, there is a drainage ditch on the other side, and it presents a problem with getting water, backwash in the units, or ponding back there. They could do landscaping in such a way that it would not be hiding everything or something like that, if that's what they wish. They would like a little exposure to the road because a good deal of the site is blocked off by mounding and landscaping from the pond. Some fencing was noted in the rendering. Are they doing that sort of a thing in this area. The response was he can't say precisely. The units around the entranceways wrap around real nice on the corners of the site. The comment was so six is right by the entrance, and the response was six is actually the model unit, or it is in six. They are obviously flexible. That is not something that is going to make or break it. The mounding is problematic from a drainage standpoint. Their guess is there will be landscaping there anyway because it makes everything look prettier. It's a nice elevation because the buildings are staggered, the rear elevation, the gable roofs, porches that are recessed in. The building will be cosmetically appealing. Mr. Benavides asked if they had a landscaping plan. The response was there is one in there somewhere. It should be the last page. It wasn't in the first set. There is no sixteen. Mr. Benavides said it does appear there is no landscaping behind six. The response was right, there are a couple of trees right at the entrance, but nothing right there. This is mounded and landscaped right in there. Then they have trees scattered, and they will be larger evergreens because they want to obscure the view in on the rear elevations. They end up always having more stuff. The comment was made that they like the renderings. There is a lot of nice landscaping. They wanted to know if they could get the clouds to look like that, too. No Cleveland clouds. They bring snow. Mr. Benavides said so he hears they do not want to do any mounding, and they agreed that in this area they would like to avoid mounding. They don't have any landscaping indicated there, so it's just going to be wide opened. They said right now, but their guess is they will end up putting something there, but not intensely blocking the whole thing. They can have vegetation. If they want them to put up some trees and shrubs and things, the commission would like them to think about that. That was not a problem. They would like to see it all laid out.

Mr. Kuhn continued on with item 19. Mr. Benavides asked them if they were committing to landscaping, and they said yes. Mr. Benavides asked Mr. Garn if there was a zoning requirement for sidewalks, and Mr. Garn said no. In subdivisions there is. Mr. Kuhn said across the street in the apartments and condos there there is none other than inside the subdivisions itself. Mr. Garn said there is not in that subdivision. All the new ones have sidewalks, but this is private. The City of Perrysburg may require it, but they commented they don't need their utilities.

Mr. Kuhn continued on with item 20 and finished with the comments and responses. Basically the developer would like to get approval even if it's contingent approval so he can get working. If he has to wait another month he will never get it done before

winter. So that's the position they are at. Mr. Ritz said they are up against the weather. There is a lot of infrastructure to put in, and they don't want to fight the elements. They think they can probably get, if they close and break ground in the next few days, probably about 75 percent of the streets and have concrete roads so they don't have to shut down in November. Hopefully from a start to completion standpoint, based on past records, weather permitting, this part of the country, they should be able to get it done in 12 to 13 months.

Mr. Benavides asked if any of the members had any comments. There was one question going back to number 3, and this was the distance between the garage and the compactor, and their issue was losing two visitor spaces. They said they lose one there and one by the compactor. Was it a correct understanding that they have 160 spaces, and the comments was yes. So if that was one of their requirements, there is nothing so substantive that they would want to slow themselves up. They think the way they have laid it out is ideal. They build these and own them. They don't sell them. So they want to product to be nice. And the feedback they get back from the tenants is they like them. It's just a peaceful and quiet environment.

Mr. Benavides asked if there were any other comments. It appears that they have submitted everything that was required other than the landscape plan, and what they are looking at is item 3, and probably looking at the 20 foot requirement. The screening details on number 8, it was noted on the landscape plan that they do have some landscaping next to it, and they have a fence around the compactor. They have both. They put a white vinyl fence to block it off, and it reduces the noise somewhat, and it's clean. They also have arbor vitis. The item 17, which was the lighting plan, and 18, they are adding landscaping behind building number 6. Everything else has been submitted. Mr. Garn said number 9, and Mr. Benavides said the signage has to be submitted. And this would be in the form of a motion on all the items, but on item 3 they go to the 20 foot setbacks, 9, submit the signage, 17, submit the site lighting plan, and these are contingencies, and 18, add the landscaping behind building 6, and based on those contingencies, Mr. Normand would recommend approval with a second by Mr. Stanford. A roll call vote was taken. Yes votes by Mr. Normand, Mr. Stanford, and Mr. Benavides. Motion carried 3-0-0 for a contingent approval upon those other items being brought back next month. Mr. Garn said they can get their permit and proceed. It is on the contingency that those other items be taken care of.

#### **SITE PLAN REVIEW OF KENSINGTON LANE OFFICE BUILDING, SPR 2005-07.**

George Lathrop is proposing to build a professional office building at 28366 Kensington Lane in the Coventry Woods Executive Park. William R. Steele of Spring Valley Architects is working on this project. An independent engineering firm is reviewing their plans and checklist for compliance, and a copy of their comments is attached. Please note numbers 11 and 14.

Mr. Benavides asked if there was anyone present to address the commission regarding this site plan. Bill Steele addressed the commission regarding this site plan along with George Lathrop. Mr. Benavides asked if their plan was also referred to an independent engineering firm that has reviewed it and provided the commission with a letter and a checklist, and have they received that and responded. Mr. Steele said they have their responses. Mr. Benavides asked if they had provided those responses to them before this evening, and Mr. Steele said they just finished them this evening. Mr. Benavides asked him to provide them to Mr. Garn so he can make copies so they can read them for the first time this evening. Mr. Benavides said he noticed that the letter to Feller Finch is dated September 8<sup>th</sup>. He asked them when they received the letter. Mr. Steele said they received it September 9<sup>th</sup>. Mr. Steele said they could summarize real easily. Basically they are in agreement with all the comments.

Mr. Garn said Mr. Kuhn is here, and he is going to get him to comment on these because there were issues about the storm water detention. He did not get any information from them until between 3 and 4:00 today. He knows that their maintenance supervisor, when he looked at the plans, would not approve anything because there was nothing there about any of the drainage or storm water detention on the plans. There is a problem with that area, and he knows that the fire inspector had a problem with the plans because there were no fire hydrants shown anywhere, so he was not sure of the location.

Mr. Benavides said it seems to him that it might be premature for the commission to consider their application this evening since they don't have the benefit of reviewing their comments. It also appears as though they just received the engineer's letter last Friday. Mr. Steele said that is correct. They have been working fast the last few hours. Mr. Benavides said he does not know how the other members feel. They are looking at some fairly large holes with drainage and fire protection if those are what are missing at this point in time. Mr. Steele said as of today they have not seen any comments back on items 3, 4, and 5 from the fire chief for the water as far as trying to respond to those items. The other items are easy for them to respond to if they want to quickly go through the items. Mr. Benavides said if the other items are significant items, then he is really concerned that it might be premature for them to have a discussion this evening that would really be beneficial and fair to them as well as to the commission.

Mr. Garn asked if he was reviewing their letter, and Mr. Kuhn said yes. It's items 3, 4, and 5. The fire chief has not responded back, so they have no comments from him. Mr. Garn said he has verbal comments from him that there are no fire hydrants shown on the drawings, so he didn't know where they were in relation to the building to know if they were close enough or not, or if any would be required on the site itself. Mr. Steele said currently they were not intending on fire hydrants which is why there were none shown on the site plan. Mr. Garn said that's where the fire inspector's problem is knowing if there are fire hydrants within 300 feet of the buildings, so that is just a problem that he had that was not shown on the drawing. They don't know on

Kensington Lane where the fire hydrants are located in relation to this property. There may be one somewhere.

Mr. Benavides again stated that he does not feel comfortable proceeding with the application this evening because it does not appear that they have written comments back, and he is really concerned that this won't be a fair hearing to them as well as the commission, especially if they are going to be receiving comments orally for the first time from someone who is just reviewing those this very moment. He would suggest that they put this on the agenda for the next meeting. It will be October, but the date has to be determined. Mr. Garn said it will probably be October 12<sup>th</sup>. Mr. Steele said like the previous applicant, they are up against weather. And he wants them to make a decision that they are comfortable with. But if the couple of things relating to fire and sewer could be approved conditionally and subject to the people from fire and sewer approving the changes in the site plan, they would appreciate it. A month will put them off, and they won't start construction until next spring. Mr. Benavides said he does not have a problem with conditional approvals. However, when those conditional approvals are based upon a consideration of the issues, and they have had them addressed and there is something they can look at, read, and understand and comprehend. He does not think they have that this evening. He sympathizes with their situation, but he does not think it is appropriate for them to proceed under these circumstances. Mr. Steele said if they are at a standstill, they will have to pick this up again in October from what he is understanding.

Mr. Garn said he thinks Mr. Kuhn is still reading. He did get some revised sheets at the office. Mr. Benavides said hold it. He is reading these for the first time here. He is commenting on the fly as these matters appear to him. He does not like that, and he does not think that is the right way for them to conduct the township's business, quite honestly. Mr. Kuhn said he has not had a chance to review the revised plans. Mr. Benavides said based on that, the appropriate thing to do is to place this on next month's agenda if that's what they would like them to do, but they are not going to review it this evening. Mr. Steele said they would see them next month.

**PARTIAL SITE PLAN REVIEW OF PENDA CAREER CENTER. SPR 2005-08.**

Penta Career is planning on building a new facility at 9301 Buck Road. They would like partial approval as they are trying to get a head start by doing the bulk earthwork at this time. They are asking for permission to do the rough grading and soil erosion control items at this time. They will come in at a later date for the complete site plan review.

Fred Susor addressed the commission regarding this partial site plan. He introduced the people with him at this meeting including Phil Enderle. He started off by saying he certainly is appreciative of everything that the township has been working with them on from the fire department, the police department, Mr. Garn, and John Hrosko. He can't ask for people to do a better job for them.

What they are asking for this evening is to do a partial site plan. It's a big facility for them, and they would like to get some of the earthwork done so they can get started. This is their 40<sup>th</sup> year. Like a couple of the previous applicants here, they are kind of up against the weather a little bit. Their hope is that they could get some of the earthwork done on the site for their main building. With that he asked Mr. Enderle to address the commission. As the commission will notice, they have rotated the building a little bit from previously. In looking at their design goals from the beginning were to provide a focal point off of I-75, and also to provide a defined entry off of the corner of Buck and Lime City Road. By rotating a little bit they actually moved it a little bit closer to Lime City Road, and gave them a little less of an impact on the environmental issues that were there. With that he turned the presentation over to Mr. Enderle.

Phil Enderle addressed the commission regarding this partial site review. As Mr. Susor mentioned, at this point they are looking for some preliminary approval so they could start some of what they refer to as site prep work. The intent is to actually begin construction in the spring of 2006, and just to get a little head start on the project, and also to kind of help in the celebration of Penta's 40<sup>th</sup> birthday. What a better way to have a birthday celebration than to have an actual ground breaking for this facility. They would like to do that this fall. What they are intending to do is some site clearing, removing some of the trees where the building will be sitting, and also to begin to develop two-thirds of the building pad. Actually do some earthwork, and start building up the building pad, and covering that with stone. In the spring once the weather clears, then the project can go full force and continue on.

They did submit a grading plan for the entire site with their submittal. At this time they do not intend to do all the grading for this piece. On the site plan that the members see, the building is colored in the light brown. The red area that they see is what they intend to do as far as from an earthwork standpoint this fall. He is going to walk the commission through the plan quickly. This is Buck Road, Lime City Road and Bates Road. What they intend to do is this area right in here which is what they refer to as the building pad. That's the amount of earthwork they will be doing that they would like to do this fall. Then they will also be constructing what he calls the sub base or just the earthwork, and then 8 inches of stone, 10 inches of stone for this piece of the loop road which will come into here, and then it will stop. So all this other for the parking lot, for the plant operations for this parking lot, none of that earthwork is going to be happening as part of this phase. That will happen in the spring of 2006. Because of the amount of topsoil that is needed in these areas, they will be building some mounding. They will go ahead and get that work done now so that they can screen some of the operations. And the construction that's going on, do that now, get that seeded so that work is completely done, and they don't interfere with the neighbors and the residents along Bates Road. As far as construction access, it will be coming off of Buck, and then they are also going to be doing some mounding in here. Again, because of the amount of topsoil that they have, they will be doing a little bit of mounding in here. When they submitted the plans, they submitted a complete grading

plan, and these limits of work for phase 1 were not delineated at the time because at the time they did not know. They were still in the process of determining how much they want to do as part of this. Hopefully he has helped clarify that.

Mr. Benavides asked if they received a copy of the Feller Finch letter dated September 8<sup>th</sup>, and Mr. Enderle said yes, they did. They received it Friday. Mr. Benavides asked if they had responded to their comments. Mr. Enderle said not in writing. He was not aware that it was a requirement that they had to respond in writing. He did call. There was a little bit of confusion because he called Mr. Garn on Friday afternoon and told him he has not seen any comments, have there been any comments from the township. He said he was surprised that he had not received them yet. He said the only thing that he remembered that was an issue was that they need notice of intent from the EPA. He said that's fine. They have already done that. They have submitted the application. Then going through his mailbox today is when he discovered that, the 6 comments from the plan reviewer.

Dave Kuhn addressed the commission regarding this partial site plan review. He said regarding the letter from their company, the major item is the NOI permit. If they are moving earthwork, they are going to have to abide by EPA and NOI requirements and all that. All his comments really relate to that NOI permit. If they have it done now, he does not see why there is a problem and they could not approve it contingent to getting all the copies to Mr. Garn so he has them for his file.

Mr. Benavides asked if there were any comments from the members. A question was asked if the information contained in the NOI would answer his comments, and Mr. Kuhn said yes. Just curious, how high is the mounding on Bates Road. On Bates Road it is going to be 5 to 6 feet right in this area.

Mr. Benavides asked if Mr. Garn had any comments, and Mr. Garn said no. He thinks if he was able to get a copy of the NOI, that would take care of all their problems. Basically they are going to be pushing dirt around. All this will come in for a regular site plan approval which will take care of the ponds and everything else on that part of it. Mr. Benavides said they have pretty much seen this before, and they have given sort of a preliminary approval. Mr. Garn said they did that with Emerald Lakes a few months ago to allow them to push dirt around and get things ready. Mr. Normand moved with a second by Mr. Stanford to allow them to go ahead with their phase 1 grading contingent upon receipt of the NOI. Mr. Benavides asked if there was any other discussion. A roll call vote was taken. Yes votes by Mr. Normand, Mr. Stanford, and Mr. Benavides. Motion carried 3-0-0.

**INFORMAL DISCUSSION OF PARKING FOR PERRYSBURG MARKET CENTER.** Warren Terrace of First Commercial, John Sperry, and Efrem Tennenbaum of DuBose and Associates would like to discuss the possible shared parking situation for this

shopping area. Please note a letter from the City of Perrysburg (that they are faxing right now) concerning this situation.

John Sperry addressed the commission regarding this informal discussion. He introduced Efreem Tennenbaum who is with him. The first thing he would like to state is that they were both hoping for an informal meeting to discuss some of the situations, and also have a chance to obtain site plan approval with some sort of conditional use as well as some of the other people that were here on their cases this evening.

To kind of set the stage for this project, they were here on August 8<sup>th</sup> of this year with conditions. What happened is they did not receive the conditions from the township. The original letter was written with 19 items to the township on August 3<sup>rd</sup>. They did not receive that until the same day of the meeting which happened to be faxed to them from Feller Finch. He does not know if Mr. Kuhn did that out of the fact that they would like to see the comments prior to the meeting that night or not, or the township forwards that. He does not know. But they were before them with 20 items which they had no time to address because they just received the letter.

What has happened on this project is that they are being pushed and pulled with the different municipalities, because they have the Wood County engineers involved for the township, the independent reviewing agency as far as engineering, the township itself, and also the City of Perrysburg. They have attended their planning and zoning meeting followed by the city council meeting, and they were approved at that level last week. Basically what's happening here is they are trying to follow criteria set forth by different municipalities.

They have an issue with the overall parking and overall shared parking for the overall complex for the future. The existing lot number 2 was built several years ago. They were the engineers of record on that development. The parking there exceeds the required amount of parking for this individual building. The whole concept was that they would build this out lot first, this one second, develop the large area, and within all of the whole development there would be enough cross parking and shared parking to fulfill their parking requirements. Mr. Tennenbaum has worked on the overall exhibit also producing some parking ratios and breakdowns.

The issue they have is trying to follow the city requirements for parking, which they were told they are going to be revising their parking requirements in December. They have asked for a draft of their zoning resolution revisions, and they failed to get that. But they were told to submit what they wanted to show, and then they would give them feedback whether it was acceptable or not.

Basically he is before the commission to tell them what has happened. They are looking for some direction. If they are not conditionally approved, they will be into the second if not the third month for the approval process for this project. The developer is

anxious to get going because of the weather. If there is any way possible that they could work through it somehow conditionally with approval. They do not have a problem with responding to letters, walking them through the different municipalities, and getting letters of approvals and providing them to the township, just as long as they could save themselves that month without having to come back in October for the final site plan approval.

Mr. Tennenbaum is more familiar with the project as far as the individual items listed on Mr. Kuhn's letter. The city has approved them conditionally based on their approval comments, which they planned on resolving, but they need the input of the township prior to resolving the city comments. They have not received anything from the WC engineer on any of the review that he has done. The plans have been submitted for at least 3 weeks. Mr. Benavides said there is nothing they can do about that. Mr. Sperry said he understands that, but part of their feelings to approve plans is to have review comments from everybody, and seeing what they have commented on, and what they plan on doing about them. As far as WC engineers go as far as drainage, are they regulating that or is the city. Because the city is telling them that they have to design to their standards which are more stringent than the township, WC, or Feller Finch's comments. They are torn between all the municipalities. They don't mind designing for the most stringent of the requirements, but they need to know exactly where to go. They have had no direction on this project at all. As far as timing goes, they have had no time as well to respond to anything. Especially on the first meeting when they were tabled here based on getting comments the same day they were here. Mr. Benavides said first of all, he does not think that they need to apologize for the requirements that they have established in regards to site plan approvals and having information before them sufficiently in advance for everyone to make an intelligent decision and have an open and fair discussion to everyone. Mr. Sperry agreed.

Mr. Benavides thought he read something in there from the city regarding going with the most stringent requirements, and he wondered if he was wrong. Mr. Sperry said in the finalization of the council of the city, not the one dated August 3<sup>rd</sup>, and Mr. Benavides said right. They were given a page from the minutes of the city, and there is a comment that there was some discussion about inconsistencies between the technical requirements of WC, the township, and the city for extension of service, and the city's requirements must be met. In some cases the township requirements are more exacting than those of the city. You are asking whether the best plan would be to design to meet the more demanding standards, and Mr. Sperry said that makes sense. Mr. Benavides said the city concurred. The planning administrator concurred that the best planning approach might be to plan to meet the most exacting standards of the jurisdictions. Mr. Sperry said they do not have a problem with that, but they still need answers from the township. A member asked if he needed them to say yes, and Mr. Sperry said no, they don't need to say yes. He is going to let Mr. Tennenbaum talk about the parking issues and the overall shared parking. He has been working with Mr.

Garn, and he said this is a first for the township to have any type of shared parking situations.

Mr. Benavides said before they go there, he is still hung up. The agenda item is for an informal discussion, it's not for a partial or other approval. He wondered if he was missing something there. Mr. Sperry said yes, they were to have an informal discussion prior to the public hearing for their case where he figured the informal meeting would be a little bit more relaxed than it feels now between he and them with this situation. Also the fact that they could resolve this and come up with an understanding where they could get conditional approval on this project. Mr. Benavides said so you thought the two could be grouped together the discussion and the approval without it being formally noted on the agenda as being up for consideration for approval. Mr. Sperry said he was under the assumption that they were going to have an informal meeting to discuss the parameters of the project, and then it would be a public hearing in order to possibly approve this site plan under conditional approval status. Mr. Benavides said you mean immediately thereafter, and Mr. Sperry said correct, that was what his understanding was. Because if it was an informal meeting, you have to have that and wait a month for an informal meeting. They would have set something up and hopefully got together weeks ago, and then been prepared for the public hearing to get approval here instead of waiting until October for final site approval. Mr. Benavides said that's the way it works. Mr. Sperry said he would let Mr. Tennenbaum conduct the informal meeting, and that it seems that since they are not scheduled for a public hearing, that they are already into October for the final site approval. Mr. Benavides said that could be. He does not know what else to tell him. That's the way they are set. That's what's on the agenda. They were not given prior notice that they wanted a formal hearing on their site plan. Mr. Sperry said the agenda was published today. He called to verify the agenda rotation. Mr. Benavides asked if he had explained all this to Mr. Garn. Mr. Sperry said he did not talk to Mr. Garn personally, Mr. Tennenbaum did. He was under the assumption they were coming here this evening to try to get conditional approval on the site plan this evening. Mr. Benavides said he was sorry about that.

A question was raised by a member, what did they ask for. Did they ask for conditional approval, and he directed that to Mr. Tennenbaum. Mr. Tennenbaum said he asked for both. Mr. Sperry said it should have been a carryover from the last time they were tabled a month ago. The only question is what was asked for, and they will go that route. Mr. Benavides asked Mr. Tennenbaum to address the commission. But before he starts, he had a conversation with Mr. Garn, and please advise them about that conversation, and exactly what he asked for and when he asked for it. Mr. Tennenbaum said they spoke sometime last week, and they were talking about maybe having an informal meeting after the formal meeting. That was his understanding. A question was asked meaning when this meeting adjourned, they were all going to get together and shoot the breeze, and the response was yes, that was his understanding. The question was posed to Mr. Garn, and Mr. Garn said the formals were the first three

site plan reviews which were more formal. After that they have the informal discussions where they just discuss the items generally. Not that things aren't decided, but generally they are much more informal on the items. He was going to try to find it in the minutes because as he remembered the problem that never was resolved at the last meeting was in relation to the shared parking between the three lots, and how that was going to be ironed out, and he thinks that's where it was left.

Mr. Sperry said one of the reasons they have not been able to revise the site plan and resubmit engineering calculations and so on is because they don't have the geometrics of the site worked out. So depending on the amount of parking they have to provide is obviously giving them the resurface area to the engineer, too. So until the parking is resolved, they can't really get the engineering specifics worked out.

The question was asked, isn't the issue, though, that they are going to provide the parking as the city requires, which would be the most stringent standard. Mr. Sperry said he would let Mr. Tennenbaum address that because the city is in the midst of changing their parking regulations which they know are very stringent. The comment was made, it sounds like they want to get a conditional permit from the city since they are the one that is annexing, and they are the ones that have the requirement that they should meet. He thinks they might be in front of the wrong board. Mr. Sperry said they have been in front of the other board twice now and obtained approval from them. Now they are here for the entire site plan. Mr. Benavides said the city has approved their site plan. Mr. Sperry said initially. They have not resubmitted to get final engineering sign-offs as far as title page or the like. They can't get through the geometrics of the site so they have the parking. The question was asked if the township was going to provide that parking to them or the city. Mr. Tennenbaum said right now they are revising their code. So they are still waiting on final feedback on that. The comment was made that typically what happens is unless you can get the city to say what their code is, they are not going to dictate what it is.

Mr. Sperry asked if this was regulated by the city or the township, this project right here. Which is it regulated by, both, all, or everybody. Mr. Garn said it may end up in court. Mr. Sperry said they are caught up in the midst of this situation between the township and the city. It's unfair to keep tabling this project for months and months on end given the documents are late, and the exact day that they are before them they are supposed to read 20 items and respond to them. Of course they got tabled. Mr. Garn said he was looking at the minutes, and he read the last paragraph. He guesses the problem is that it's on the lot, that out lot, that all of a sudden it turned out that there could be restaurants in there which have different parking requirements than an office building. But he thinks it was the thing of the cross reference or something. What if that out lot were sold to a third party and it does not have enough parking for restaurants. Mr. Sperry said that's where the requirement for cross parking easements came into play where they had to write descriptions across part of the easements that were connected to lot number 3 in order to allow that sale to happen. They do not

have a problem with providing correct parking for both of the buildings that will be built there. Lot number 2 with the overage of parking, and lot number 3 that they are trying to develop, they do not have a problem providing proper parking for both of the buildings that are going to be built. They are not trying to say that, well, some day there will be enough. They will provide the right parking. Mr. Garn asked if the cross easement was just between those two buildings and not the other shopping center building, the large building. A question was asked about the cross easement. He just heard they were going to provide the proper amount of parking for both lots. Mr. Sperry said it has to be shared. The comments was made they have to be shared one lot to the other. Mr. Tennenbaum said there are two options actually. You could share between lot 2 and 3, or lot 1 and 3. Lot 1 being the larger one, and the response was the big one. The bigger development. Mr. Tennenbaum said you could either share with these stalls here attached to that with an agreement, or you could attach these to that one with an agreement. But the overall requirements for the township for parking, his conversation is their requirements are going to go down towards something very similar to the township. So overall he thinks they will be in balance. A member commented that it sounds like he is using them to crystal ball with what the city is feeling. They are pretty much in the same boat as they are.

Mr. Sperry said this is frustrating enough, and he apologized for that. He thinks this client is ready to fire their engineer on this project because he blames them for the situation that happened the first time, and it's not getting any better the second time here. He can't imagine what is going to happen the third time. He apologized. It's a very sore point in their office with this project because they are not getting the information, the feedback to conduct these approvals and get through this project the way they usually do.

A member said he would go back to the original statement which is it sounds like you need to design to the most strict requirement. Unfortunately that most strict requirement at this point is unknown. Mr. Tennenbaum said it's undergoing changes, yes. Mr. Sperry said they change depending on whether you are talking to the city. A member commented they will be annexed into the city. He would be willing to say that as far as the township is concerned, if you meet the city's requirements, that's fine with him. Mr. Garn said they are not annexing into the city. They are in that agreement. The member said okay. That's not what he heard. He heard they were being annexed. Isn't that's what in the notes they got. Mr. Sperry said they are asking for an annexation agreement to be filled out. Mr. Garn said for 99 years. For the 99 year agreement. Mr. Benavides said but they have to sign the annexation agreement, and they have to comply with their requirements. That's in order to get service. Mr. Sperry said drainage wise WC is more stringent as far as the drainage scenarios than the city. So what they have to do is pick and choose which one is more stringent depending on what they are talking about. A question was asked if they had that list. Mr. Sperry said the list of differences, and the member said no, the list of the most stringent. If they are looking for some kind of contingent approval. If the township is most stringent on

parking, comply with that. If WC is most stringent on storm sewer, comply with the county. If they have that list, fine. He does not have a problem looking at it that way. Mr. Sperry said basically the city is more stringent on parking. WC requirements are more stringent on the drainage.

Mr. Garn said there are some other requirements that they don't know about yet that the city may choose. The member said the issue is they can't crystal ball what the city is going to do. They have to talk about what is known at this point in time. As far as he is concerned, he does not have a problem approving it as far as they basically comply with the most stringent requirement currently existing. Mr. Sperry said with all of the municipalities, that would be acceptable to them. They could handle that. The member said what he is saying is they could do that. He asked Mr. Garn if that was right because of the annexation agreement. Mr. Garn said there are certain things that they are asking for that are possibly health, safety, and welfare of the township. The question was who is asking, and Mr. Garn's response was the city. Like hydrants that would have to be adaptable for the township to use. They would have Perrysburg threads. They are requiring landscaping in the public right-of-way which is something that the township does not allow. There are other things. It's sort of difficult for the fire department from the township to put their hoses on. They would have to adapt them. There are some problems that need to be legally worked out.

The comment was made that it's unfortunate that they are caught in the middle of it. Mr. Garn said they are not the only ones caught in the middle. They will talk about that later. A question was asked if there was anything that they could do at this point in time. Mr. Garn said there are meetings now between the city, and the commissioners, and the township, and all their attorneys trying to iron things out. Mr. Benavides said in the meantime things are supposed to come to a screeching halt. Mr. Garn said they are having a problem. Mr. Benavides asked if he was telling him that nobody is doing anything while this whole thing gets resolved. Mr. Garn said legally they are trying to resolve it now.

The comment was made that if it was something that was currently in the township, can't they approve it in the township. Mr. Garn said they can approve it with the township regulations. Just go ahead and approve it and see what happens. The last project came back and said it was different than the zoning commission. The developer said he had no choice. In order for them to develop the property, they had to follow the specifications. Mr. Sperry said they get caught in some loophole of the extension of utility services, and that's by regulations. The comment was made, that's how they get you. Mr. Benavides said if this is going to effect operations of the township, which is what is being said, and that the occupants of the township would be effected, then they cannot act contrary to the best interests of the township if approving this and their proceeding would result in something that is contrary to the best interests of the township. Mr. Garn said that if the developer wants to sue, that's up to them. With the regulations, they can go ahead and approve things that apply to the rules and

regulations of the township. Just go ahead. And if they are different than what the city likes. Mr. Benavides said that even if they do that, Mr. Garn said they end up between a rock and a hard place. The comment was made that in order to get utilities, they have to meet the city requirements which are in conflict with the township. Mr. Benavides said it puts the township in an untenable position. The comment was made that the other thing is do they have that in front of them. If they were looking for some sort of approval, they don't have that, do they, or has that been submitted. Mr. Garn said it has been submitted. Mr. Tennenbaum said according to the letter, they submitted it already, getting applications. According to Feller Finch, getting NOI, and landscaping, and calculations.

Mr. Benavides asked if this issue had been referred for the township for the opinion of counsel for the township. Mr. Garn said he believes so. Also the WC prosecutor is also involved in it for the county, because they are also trying to supersede the county engineers. Mr. Benavides said it seems to him that they need direction from the trustees. Mr. Garn said they are meeting tomorrow.

Mr. Benavides said their understanding was at the last meeting this board voted to table the review of the site plan, and they don't have the site plan at this meeting. Mr. Garn said correct. He understands there was some misunderstanding about that, but they want approval of the site plan, and it is not before them. They do not know what else they can do.

The rest of the tape is blank and was distorted for quite awhile before it quit. A lot of the last few pages are a broad summarization based on what could be clearly heard.

Mr. Garn said okay. Back working. Mr. Tennenbaum said this is a view of the lot itself in question, lot number 3. Like he said, they are to provide additional parking spaces for the restaurant, and the remaining is retail. They can provide it with some sort of an agreement over here. They have enough parking to do that. They can pave all the way to incorporate that parking space. There were some comments about adding the driveways from Walgreen's. They added those. They added some dimensions. They submitted the EPA application. As far as details, they have the entire details of the city. He does not know about the fire hydrants. They have existing fire hydrants at Walgreen's, and the fire chief has no problem with them getting service from that fire hydrant. Other than that, they revised grading, and revised their calculations. They are detaining all the water on site, and they fixed up the grade so that everything is held on site. They are going to extend utilities per the Northwestern sanitary and water from an existing line that is along Thompson Road, and service the building from that with water and sanitary, and they are going to extend the waterline across the property as they requested. They added sidewalks with ramps per the letter. So he thinks they have covered at least 80 percent of the stuff that's on there. The name of the developer is on sheet G-1. These are the lighting plans. They have an approved landscape plan by the city.

Mr. Benavides asked if these had all been reviewed by Mr. Kuhn on this, and the response was that he has not seen the revised. Mr. Benavides asked, but they feel they have complied with everything that was on Mr. Kuhn's comments, and Mr. Sperry said that is correct. They wanted to get a verdict on the final parking so they can confirm the configuration, and finish the revisions, and submit it to Mr. Kuhn to get final approvals, and also resubmit it to the city for final approval there. The comment was made that they are showing parking that is greater than what the township would require, and Mr. Sperry said that is correct, and the city is more stringent. The comment was made that the member would not have a problem with approving their parking at a greater amount than what the township would require. Mr. Benavides said if that's the issue they are waiting for in order to respond back, yeah, he would agree. Mr. Sperry said they did not know if the township would require a reduction than the city's parking because they were going to be revising it to be more realistic. Mr. Tennenbaum said in just comparing the two requirements in conversations he had, it appears their code has not been revised since 1963. It's like way off. The comment was made that the member would certainly approve parking at the current level required in the township. Now, it's up to them to have the city's approval, because they are going to ask for utilities to be extended by the city, and that's where they have their fingers in the pie. Mr. Sperry said they did approve the extension of utilities to this property as long as they provide parking.

Mr. Sperry said they will provide the parking they want, and finalize the plans tomorrow to get final approval. If the engineering is in line, is there any possibility, and he realizes that they are not at a public hearing this evening, but they were here previously and nothing has changed other than a month of time trying to work with all the municipalities and agencies, and he forgot to mention the sewer and water district that they have been involved with. The one member commented that he is talking to two people that were not present on the 8<sup>th</sup> and did not see the site plan. That's the problem, and it's unfortunate. Mr. Sperry asked if they conduct special meetings if they pay a fee to request that the board has a special meeting at a special time, and Mr. Benavides said they don't have anything like that, no. Mr. Sperry said at this point it does not seem like the fees or the money is the issue, and Mr. Benavides said that's not issue. Mr. Sperry said it's just the extra month. Mr. Benavides said there does not seem to be any support on the commission to give them any kind of conditional approval at this time. The member said as far as the informal conversation, they have their sympathy for getting caught up in this whole issue. As far as he is concerned, they meet the township requirements. That's what this board would vote affirmatively on. The only part that is missing is they don't have a site plan in front of them that says these meet the township requirements. If they had that, and they could have seen it ahead of time, they probably could have gotten a conditional permit based upon the consultant's approval. It's just unfortunate they don't have that in front of them. They would like to. Mr. Sperry said there is no feeling of satisfaction with the fact that Mr. Kuhn could provide them with a letter with the final approvals that everything was taken care of on the site plan. He knows they could have the revisions done and to his

office in a day or two at the most. Mr. Benavides said what he is also hearing is there are two members on the commission this evening who were not present at the prior meeting when their plans were presented, so they have never seen the plans. They haven't had an opportunity to study them and see if they have any questions that were not previously discussed. They don't have a comfort level going forward. Mr. Sperry said he understands that. So there is no vote, it's an informal meeting, and he thanked them, and the members thanked him.

**INFORMAL REVIEW OF 742 WEST BOUNDARY STREET.** Al Sated of Landmark Development has purchased and hopes to renovate 742 West Boundary Street which previously housed the Military Surplus store. The roof and back wall have been torn off of this nonconforming structure. He would like to rebuild it without expanding it. It seems to be a structural alteration of a nonconforming structure, or is it a repair for the safety of the building? Your guidance would be appreciated.

Al Sayed addressed the commission regarding this informal review. He hopes his is not so complicated. They started out the last week of August on this project. They actually called Wood County and asked who would be responsible for building permits. They have them, the city, planning, zoning, and economic development. A lady asked him for the address, and he gave it to her. And it was city property, so they gave him the number to Toledo, and he talked to a Mr. Billmaier. Mr. Garn said that was Wood County. He was walking him through it, and he was letting him know what they were doing.

They originally purchased the building, and they were going to re-facade it, relay the parking lot, and upgrade the mechanicals. They got into it. The rear portion of the roof was caved in. It was forcing the rear wall out. They had somebody come out and inspect it, and they actually commented that a heavy snowstorm would actually possibly bring the roof in and force that wall out more where the footer has failed in the rear. They had overwhelming response on the corner for rental stuff, so they actually talked about future expansion on the corner, and maybe a total tear-down and rebuild at some point in time. And that's how they started talking to Mr. Garn, and they found out that the property is actually in the township and not in the city. He was actually calling to find out. He hadn't even applied for a building permit yet because they were just doing some demo stuff. Mr. Garn told him it would be a good idea if they came here to see what the commission thought about it. He asked if he was correct so far with where they started. Mr. Garn said it may or may not belong here, but he thought this was a good group to talk to to start the process. Mr. Sayed said he is here to find out what they think.

A member said the comment that throws him a little bit is nonconforming structure. Are they talking about the structure itself or the use of the building. Mr. Garn said the structure itself is located within approximately 30 feet of the right-of-way as are the other structures in that neighborhood. They were built a long time ago. The member

said so as far as nonconforming it is location of the building in the right-of-way and not commercial in a residential district or something of that nature, and Mr. Garn said correct.

Mr. Sayed said basically it just doesn't fit the new requirements. They are going some alterations. A franchise is actually going in there, and they are under contract with them, and they are kind of in a rush/rush deal with them trying to get everything done. They didn't have time to rip the rear wall out and rip the roof off, honestly. It's just a safety issue. He wishes they didn't have to do that. The only reason a person would do that is if they are expanding the building or going upwards. A member said they are not expanding the building, correct. Mr. Sayed said actually it looks like the building was moved around three or four times in its lifetime. There are about three or four different footers. They picked the best one in the rear that was more square. The question was asked if that was the wall that they took down, was that the footer, and Mr. Sayed said the one they are going to use, yes. The member asked if that was the one that had the wall on that they tore down, and Mr. Sayed said yes.

A member said the power pole that he sees, and his office building is over there so he can almost see it, and he took some pictures. The power pole that he sees in what must be the northwest corner, is that something that they set. The response was no, they are actually removing it. It's right on the edge of the building which is too close to the building. They are actually going to remove it. The question was asked that it appears like he is looking at a footing that is outside of the location of the pole. Mr. Sayed asked to see the pictures. The member commented that it looks like that pole is inside the building line. So his question was does that pole stick through the roof, and the response was no. Mr. Sayed said the footing is actually right on that, and the member commented so it comes on the inside of that pole. Mr. Sayed said there is an existing footer that actually comes this way, and then it stops, and then there is another footer underneath there. The member said so they have basically dug down to the footing, and the wall they took down was on top of that footing, and Mr. Sayed said yes, absolutely, it was right on top of the footing. They are actually digging around the whole building to pour a brick ledge so they can re-brick the whole façade of the building. They will take it around the whole building there. He has pictures of the new front elevation. The member said, and the speckled part they are looking at is brick, and Mr. Sayed said yes. It was supposed to be drive-it, and they had some different requirements. There is patching of the windows, and they thought the best thing was to go with brick. The member asked if that brick was just on the front, or will it go all the way around. Mr. Sayed said it's going to be on both sides and the front all the way up. And those two tall facades there, that will be stucco. The members said so the two square entry elements will be drive-it, and then behind it will be brick. Mr. Sayed said this was all supposed to be drive-it. They figured it would get beat up. It's all going to be drive-it here, and this is going to be brick, this area here. The sides will all be brick.

The member asked Mr. Garn if he had looked at the township zoning resolution on page 4, section b, nonconforming uses, and he read it. So that refers specifically to a use not permitted. Mr. Garn agreed. He continued to read from the section. But since the use is a conforming use, a commercial use in a commercial zone, and Mr. Garn said correct. The member asked if there was anything in the code that talked about location in a right-of-way. Quite honestly, he would call this a complete reconstruction of the building. It's not really a repair. This is a major structural alteration. Mr. Garn said here's the whole thing he ran into. He found out more today than he did before. In looking up the definition of structural alteration, and he read it. So when they told him the back wall came down because the roof was forcing out the back wall, which he did not know until today really. The member said they are looking at specifically not a nonconforming use, but a nonconforming location, and Mr. Garn said right, and he sees what he is saying, because section b is nonconforming uses. The member said he read through this, and he was trying to find something that was specific to this, and he thinks the code is silent. Mr. Garn said he did not pick that up because he immediately got into structural alterations and things like that which are not a use, but it's the structure itself. He thinks it should state nonconforming uses/structure.

The member said he guesses at this point that the code talks about any of the issues as far as what has been done thus far. Had he torn down any of that front wall he would have to be moving the building back. Mr. Sayed said he does not know if this is a good time to say this, but they are just moving windows. He wanted them to know they were going to move them around. The member said those are the aesthetics. It's a lot better than what it is now. Mr. Sayed said it's going to be a beautiful building. They have actually had neighbors come by and say thank you for attempting to clean this corner up because it's been an eyesore, people across the street.

Mr. Sayed said it's not a key point at this moment, but they tried from the beginning to talk to people to find out what they can and can't tear down so they don't go too much or too little. They were talking to the wrong people. Hopefully they didn't go too far with it. They read through it, and it speaks about residential and not about commercial. The member said as far as their formal review, if he was looking for guidance, he would say it appears to him that since they have not expanded the building, and they have not done anything to the front wall which is the nonconforming location, that they should still be okay, and they should proceed to get the appropriate building permit from Wood County. Mr. Garn said they need a zoning permit first because it's a structural alteration. The member said right.

A question was asked if this was intended to have two tenants in it, and the response was yes, because they don't feel like there is sufficient enough to be three. The building could be cut up into three easily, but they don't feel there is sufficient enough parking for three, so they said two larger would be better. Low impact, can only carry out stuff. They figured it would be a better use for it. Just so they know, it's Cottage Inn Pizza franchise is going in there. They have a store in Toledo. They are planning

on employing 10 to 15 people based on how busy they are, and they run a pretty clean operation. The member asked for the square footage of the building, they have the ability to have the appropriate parking striped on the lot, and Mr. Sayed said yes, because they are going across the front and down the side of the building, and there is plenty of room down the side of it. Mr. Benavides said he would concur.

Mr. Sayed said he wanted to make clear in front of everybody that where they see this back corner here, there is an old footer under there. They are repairing it. It kind of squares off the building. Because this building used to be here at one time, up here, there is a footer here. There is one that stops here. There is a footer that runs across in back. They tore it out and repaired it because it was all busted. The member said they are basically putting back vertical walls that were there when they started, and Mr. Sayed said yes, pretty much. The member said what does pretty much mean. Mr. Sayed said pretty much means that this footer here is an existing footer. What they did was the building was here at one time and then extended to here. Then they tore down this portion of it at one time. The member asked if the building was a rectangle or not. Mr. Sayed said yes, it was a rectangle, but they put this chicken coup on the back of it. The member said but there was a structure there, correct, and Mr. Sayed said yes, but there wasn't any footing back here. The member said, but the wall they tore down was in that location, and Mr. Sayed said absolutely, where you see this portion right here, yes, that's where the wall was. The member said he would leave it at that. Mr. Sayed said the pole won't be sticking out of the roof, it will be gone, and the member said fine. Mr. Sayed thanked the commission members.

Mr. Benavides moved on to other items and referred to Mr. Garn. Mr. Garn said he had a talk with a gentleman at the Walgreen's distribution center at their home office, and he will be talking with their regional distribution center here. Mr. Garn said he informed him that there didn't seem to be any wild flowers left except a little in the back, and this was all supposed to be wild flowers. He was going to be talking with them and then talking with a landscape architect to see if they could revive any of this, or what they could do. A member said so what he is saying is the existing landscaping is no longer, or what was proposed is not there, and Mr. Garn said is not there. He thought it was still there. He said with wild flowers you can only mow them at certain times of the year, and evidently these people have gone through and mowed everything down. The member said so they have weeds instead of wild flowers. Mr. Garn said they will be probably coming back in next month for a presentation when they find out what their landscape architect says. The member said he would suggest to them to bring in a drawing showing a renovation of the landscaping due to the fact they altered it substantially, and a maintenance plan. Mr. Benavides said that seems to be the bigger issue here, and Mr. Garn said yes. And there was an issue as to whether they sent a letter to the commission about their maintenance plan, and he thinks they all thought somebody else was going to do it, and nobody ever did.

Mr. Benavides said let's go on to Mr. Beefy's. Mr. Garn said the day after their meeting last month he drove over there, and he couldn't find the small building that a neighbor had talked about being on the site, but in driving around looking for that he found that they had put an addition on to their building without obtaining either a zoning permit or a building permit. The building inspection came out and looked at it and concurred that they had not issued a permit, so he has sent all of this off to the WC prosecutor's office to see about having that addition removed along with that temporary fence. He was hoping there would be enough board members present to officially rescind any approval that they had. A member was a little concerned on how they could rescind a temporary fence permit that they never took. Mr. Garn agreed. The member said he thinks that is an administrative issue. This board took no action. Therefore they can't rescind something they haven't done. Mr. Benavides said it's up to the prosecutor's office to decide what the appropriate remedy is for them. The member's suggestion would be that there might be some idea that in lieu of tearing down what they have already built, that maybe they ought to look at some sort of sound mitigation in place of that. Allow the addition, if, in fact, it is conforming to the building code, but rather than pay a penalty or some civil fine, make a very strong suggestion that the county would work with them if they make a real attempt to come up with a sound mitigation plan to appease the neighbors who seem to be very upset. Mr. Garn said it will be an interesting thing. It looks like the addition that was put on has no footers and has no lents over the door. It does have a nice roof on top. The member said it's a moot point.

Mr. Benavides asked what else they had to talk about. Mr. Garn said he was going to mention on the Woodmont apartments, and this is going back 3 or 4 years when they gave them a site plan approval, and then they subsequently came in and changed their PUD for the phase II of their buildings. And that was done as a minor change to the PUD, but they changed the size and location of the pond, and the location of all the buildings, and the driveway, and so on. A member commented that does not sound so minor, and Mr. Garn said that part does not sound so minor. But that has gone through this commission and the trustees as being a minor change, but the site plan approval process, he thinks they should come back in for site plan review on phase II just because so many things have changed. The initial approval was before they had any help in doing any site plan reviews. They were very laid back. Mr. Benavides said okay. That sounds like a good idea. Mr. Garn said he thinks they will be doing that and sending it through that way.

Mr. Garn went on to Eckel Trace and said that comes in because what's happened now with their problem with the city, in talking to the WC engineer, evidently their engineering firm of Feller Finch now will be doing the complete review, and WC will no longer review anything in the township but will only sign off on the review after their engineer has reviewed and signed off on it. And he thinks that is correct and asked Mr. Kuhn if they had talked to the WC prosecutor. Mr. Kuhn said he has talked to Jason, and the impression he got is they review it to WC standards, and then sign off on it,

and then they will sign off on it. Mr. Garn said that is on a subdivision, which actually the county engineer is required to sign off on the streets, and roads, and some other issues in there, but there are complications now because of the city and their requirements. They require less lighting than the township which is another issue. There are a few other things that they are doing with the possibility that some developers may think it's easier to annex into the city and circumvent that. This may be a way of circumventing the 99 year agreement. They don't know.

Mr. Garn said the next thing is to change the meeting date. It would still be at 6:00 p.m., but change it from Monday, the 10<sup>th</sup>, to Tuesday, the 11<sup>th</sup>. One of the members commented that when the trustees meet, that means they have 2 hours. Mr. Garn said he just looked, and they are not meeting with a regular meeting, they are meeting in the morning, so they won't have that two-hour problem. Mr. Benavides said he thinks he has a conflict. One of the other members said he will be out of town that night. Mr. Benavides told Mr. Normand to put it on his calendar, and Mr. Normand said he would just run the whole thing. Mr. Garn said he would probably have some help. One of the members asked Mr. Garn if he needed a motion to that effect, and Mr. Garn said yes. Mr. Stanford moved with a second by Mr. Normand to change the meeting date to October 11<sup>th</sup>, 2005, at 6:00 p.m. A roll call vote was taken. Yes votes by Mr. Stanford, Mr. Normand, and Mr. Benavides. Motion carried 3-0-0.

Mr. Garn asked if there was anything else for the good of the order. Mr. Benavides said he mentioned to him earlier that he noticed that the parking lot there at the preserve is not paved or partially paved as it was his understanding that it was to be paved, the immediate area in the front, or the half of the parking lot in front of the new building, and he asked Mr. Garn if he wanted to check on that. The comment was made that the grading is almost like it's high enough, and he knows the curb is high enough, and it's ready to go, but they haven't done it. Mr. Garn said he thought they had gotten some grant money to do that.

Mr. Benavides asked if there was a motion to adjourn. Mr. Stanford moved with a second by Mr. Normand to adjourn. A roll call vote was taken. Yes votes by Mr. Stanford, Mr. Normand, and Mr. Benavides. The meeting was adjourned at 8:12 p.m.

Respectfully submitted,

Grant W. Garn,  
Recording Secretary