

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

ZONING COMMISSION MEETING
September 14, 2009

The Perrysburg Township Zoning Commission held a meeting on September 14, 2009. Robert S. Black, Chairman, called the meeting to order at 6:00 p.m. A roll call was taken.

MEMBERS PRESENT: Robert S. Black, Jeff Schaller, Carol Warnimont, John J. Benavides, and Ronald M. Hanna.

MEMBERS ABSENT: Jeffrey Normand.

APPROVAL OF THE AGENDA: Mr. Black asked if there was a motion to approve the agenda. Mr. Hanna moved with a second by Mr. Schaller to approve the agenda. A roll call vote was taken. Yes votes by Mr. Hanna, Mr. Schaller, Mr. Benavides, Ms. Warnimont, and Mr. Black. Motion carried 5-0-0.

APPROVAL OF THE 8/10/09 MEETING MINUTES: Mr. Black asked if there was a motion to approve the minutes from August 10, 2009. Ms. Warnimont moved with a second by Mr. Benavides to approve the minutes. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Benavides, Mr. Hanna, Mr. Schaller, and Mr. Black. Motion carried 5-0-0.

ZONING CHANGE APPLICATION NUMBER ZC 2009-01. On August 17, 2009, Robert W. Maurer mailed an application to have lots 160 and 161 in Perrysburg Heights rezoned. The owner/applicant is Ofilia Rodriguez, and she resides on these lots which have the residential address of 12547 Harold Street. These lots are adjacent on the west and south sides to a commercial property located in the City of Perrysburg. The owners of that commercial property desire to purchase those lots and use them for parking (ie a commercial purpose). The property in question is presently zoned R4-A (Suburban Residential District, high density). They are requesting that the zoning be changed to C-3, Highway Business District. In 1994 the present owners initiated a zoning change from C-3 to R4-A.

Mr. Black asked if the applicant was present, and Mr. Maurer said yes, and introduced himself. Mr. Black asked him to stand up, and he asked if anyone else was going to testify in this hearing. He then swore Mr. Maurer in to testify. Mr. Maurer said I do. Mr. Black thanked him, and asked him to state his name. Mr. Maurer said the last time he said I do, he said he got it a lot worse.

Robert Maurer addressed the commission regarding this application and gave his address. He said he represents a company, a corporation, a limited liability company who has purchased the property just west of this subject property they are here to consider this evening. They filed a request before this commission to rezone lots 160 and 161. It's known as the Rodriguez property. There is presently a mobile home sitting on it, and it's immediately east of what he calls the Pheils building. It's the emergency care or ready care building right on Route 25. He is not sure how many of them or how familiar they are with it. If they have taken a look at the building, you can't even drive around the commercial building because this property comes right into what would be the northeast corner. It comes right up to the building. They didn't build the brick building, they purchased it, and they have only owned it for about a year or so, but they are trying to get at least it back into rental condition and so forth. They just plain need more parking.

So because of that, and because of the almost necessity to just get around the building, they made an offer to the owners of that property, the two lots, to buy their property subject to the rezoning. And they are here this evening to ask the commission to consider rezoning their property so that they can take out the mobile home that they live in and use it as a parking lot. It's basically two lots. They would take out the mobile home and pave it basically pretty much to match the parking lot that's there. And they are agreeing to do that subject to rezoning, he guesses. Mr. Garn shared with him, and he has been extremely helpful, and he thinks in '94 or so they came before this board and asked that it be zoned from commercial, what probably they are asking for today, to the present zoning which is R4-A. Now they are here this evening asking that it go back to commercial, basically C-3, which is the same zoning that they have on their present building. That basically kind of sums it up.

They have a new place they are moving to, and they are assisting them in that. But they would like to sell, and they would like to buy, and they think it will be a little bit better. Certainly better for their building, and it will conform to what's basically going in there. There is a Café Marie, he thinks, or Scrambler Marie going right beside of them to the north. To the south of them is commercial already along 25. They would like to see this little parcel, two lots, be rezoned also. They have been to the county planning commission, and they've pretty much, he thinks, given a recommendation to it, and so they are asking them to see if they can see fit to rezone it also.

Mr. Black said what's the name of the limited liability corporation, and Mr. Maurer said he believes it's Woodbridge Landing. Mr. Black asked if that was the same LLC that owns the rest of it, and Mr. Maurer said yes. Yes, it is. Mr. Black said okay. Mr. Maurer said he should know that. Mr. Black said so it is the same corporation, and Mr. Maurer said it is. It is the same.

It was commented by Mr. Garn to see about reading that into the record. Mr. Black asked if any of the members had a question, or Mr. Garn. Ms. Warnimont said Mr. Garn

wanted to know if you wanted him to read that into the minutes, the WCPC's recommendations. Mr. Garn said because he thinks he forgot to put it in the packets. Mr. Black said that would be fine to read that. Mr. Garn read the September 2nd, 2009, recommendations of the WCPC re the Ofilia Rodriguez request into the record.

Mr. Black asked Mr. Garn what's the situation with the annexation for this piece of property. Mr. Garn said he has no idea. He has not had any discussion. He mentioned something to Mr. Maurer at the meeting just sort of wondering about annexation or not. Mr. Maurer said when they contacted the Rodriguezes, they mentioned they lived in the township, and that's when they got in touch with Mr. Garn. It's his understanding that it's only a phone call with the city, but the city would like to see them annex this portion as soon as they get it rezoned. That's basically what they were telling him. Mr. Black said well, the site plan, and they obviously have a site plan that will have to be approved when they do the parking. He asked if that was something that they can do, and they can come here before he annexes or what. He asked if he was planning to come here or go to the city for a site plan review. Mr. Maurer said he would think he would have to come here, because it's still in the township, and he asked Mr. Garn if that was not right. Mr. Garn said oh, boy, he is not sure on something like this how to handle that. Mr. Black said he guesses what he is looking out for to Mr. Maurer is he does not want to come here and find out you have to go through the same process in the city, and he does not know how quickly he wants to do that. Mr. Garn said right. Right. Mr. Black said he might get some clarification. Mr. Maurer said on the site plan. Mr. Black said because all he is really going to have here is some storm sewer issues, and Mr. Maurer said right. Yes. Mr. Black said and it's just going to tie into whatever, and Mr. Maurer said exactly. Mr. Black said but if they go ahead and approve this, it's just going to be confusing. He hates to have him put all the design work into it, come and get approved by them, and the city is going to say wait, we did not like the way you did this or that. That's the only thing he wants him to be aware of. Mr. Maurer said he has no problem getting a site plan and running it past both parties and doing that. Mr. Black said okay. He just does not want him to get ready, do it, and then some inspector comes out and goes hey, wait a minute. Because all that will do is create heart ache. Mr. Maurer said they can get that done. Mr. Black said okay. Good.

Mr. Black asked if there were any other comments. A member had a question for Mr. Garn. He said on this diagram that he passed out, it says approximately 300 feet commercial, and he asked what does that mean. Mr. Garn said from the best he can ascertain, and it shows the same thing on that drawing over there. Evidently the township years ago designated that parallel with Route 25, the first 300 feet would be commercial at that angle. And so he was just showing on there that the commercial is way beyond where this property was. As a matter of fact, it shows in that drawing where the property next to it with four more lots, that that was also rezoned as a residential from commercial. The member said so the adjacent lots to the east there are now zoned residential, and Mr. Garn said they are now zoned residential, yes. And

there were different properties along there where people chose to become residential so they could put their homes there, or mobile homes, or whatever they had. The member said and he guesses any screening or any impact on the neighbors, that that would be addressed in the site plan approval, and Mr. Garn said yeah, that's what he was going to bring up, though. That normally they have always had, in the past few years, had anyone go to the city first for the site plan approval first before they would even consider coming to the township because of those problems between the city and the township. He knows now they are in litigation, so he has no idea where they are with that.

Mr. Black said to Mr. Maurer that it would just be best to go sit down with them first. Mr. Maurer said Poggemeyer Design, they will have them address one, and give one to both parties. Mr. Black said right. He asked if there were any other comments, and there were none. He asked if there was a motion to approve the zoning change application. Mr. Schaller moved with a second by Mr. Hanna to approve the application. He asked if there was any further discussion, and there was none. A roll call vote was taken. Yes votes by Mr. Schaller, Mr. Hanna, Mr. Benavides, Ms. Warnimont, and Mr. Black. Motion carried 5-0-0. Mr. Maurer said thank you very much, and Mr. Black said you're welcome.

Mr. Black asked if there was anyone here that had any issues they would like to address with the ZC that are not on the agenda. He said seeing that there are none, he moved on to the next item on the agenda.

SITE PLAN REVIEW FOR ABC AUTO AUCTION, SPR 2009-02. ABC Auto Auction of 9797 Fremont Pike would like to extend their parking lot to the rear. Mark Shambarger of Cogger/Shambarger Architect and Colony & Colony Engineers has been working on this project for ABC. Dave Kuhn of Feller/Finch has reviewed their submission for compliance, and a copy of his report is attached. Jay Wilson, General Manager of ABC Detroit/Toledo, LLC, should be present to answer any questions or concerns.

Jay Wilson addressed the commission regarding this site plan. He said he came to visit them last month, and he is back again with some plans. And he hopes he can answer most all, if not all of their questions, and he was kind of hoping Mark Shambarger would be here this evening to help out on a few of these questions.

Mr. Garn told him to move the microphone up. Mr. Wilson said he was sorry.

Mr. Wilson said hopefully he has gotten with them. He said to Mr. Garn that he does not know if he has touched base with him on a few of the questions here from Feller/Finch and Associates, and Mr. Garn said no, he has not. He does not know if he has talked with Dave Kuhn of Feller/Finch any more. Mr. Kuhn said who has talked with him is Jim Colony. Mr. Wilson said oh, okay. He asked who he was, and Mr. Kuhn

said he is Dave Kuhn. Mr. Wilson said oh, okay, and said hi. He said he was sorry, and he said he was Jay.

But what they are looking at is, again, adding the 987 parking spaces for an expansion so they can handle some more traffic there, and increase some revenue, hopefully, and business to the area here with some extra employees and some business. But the expansion is directly back from Route 20, so it's all to the back of their property. So it's not any frontage to Route 20 changing there.

Ms. Warnimont said excuse me, but last month he said that he was hoping it was going to be 800 parking spots, and he just said how many. Mr. Wilson said they were looking for 800 to a thousand. They were trying to get as close to the thousand as they could with that area that they were looking at. And he thinks that they came up with 987 in that area, so that's about probably a little bit more for their expansion.

Mr. Black said there are a number of items on this letter from Feller/Finch. Some are obviously just housekeeping, but there are some more than just a couple somewhat major issues. Mr. Wilson said and again, he will try to answer what he knows. He asked if there was a first certain question. Mr. Black said well, he guesses his concern is that maybe some of these issues should be addressed before they would approve the site plan. Mr. Wilson said right. Mr. Black asked if he would be adverse to getting these issues resolved, and coming back next month. Mr. Wilson said that would be, they are in October. Mr. Black said again, he is asking this to, and Mr. Wilson said this is kind of hitting him all of a sudden with this coming back. He thinks he got this first thing on Friday. Mr. Black said he knows they could not have been addressed. It's dated September 9th. He just wondered what some of the comments were from them. Mr. Schaller said that's what he thinks would be more appropriate. A member said major issues to him are layout, drainage, grading, design, and landscaping. Four of the major items that need to be addressed. Mr. Wilson said which they are. Right. And he has answers to a lot of the questions, but the only one he knows he does not is under number 16, and he guesses it would be B, asking about any hydraulic test that's been made on the existing storm sewer to determine, and he does not have an answer to that question about the calculations. Mr. Black asked how do the members feel. Ms. Warnimont said Mr. Kuhn has an answer. Mr. Black deferred to Mr. Kuhn.

Mr. Kuhn said he has talked to Jim Colony. He called him today. And what he said is what they are planning on doing now. Mr. Black asked Mr. Kuhn to just state his name so when they get this, they know. She is not here, so she will not know.

Dave Kuhn addressed the commission regarding this site plan. He said what Jim Colony said today is he is planning on putting a separate line now from that detention pond out to the street. He has not seen the calculations yet, so he has not revised the plans. Mr. Wilson said okay. Mr. Kuhn said so that's what he said he is going to do. That will answer most of his drainage questions. And they said the remaining items other than

the landscaping, which either they have to conform to the code, or you have to give them a waiver, one or the other. Mr. Kuhn said Mr. Colony said he is going to have those revised, and have the plans sent to them. So they just have not gotten the plans, and today was the first day he heard from him, from Mr. Colony. Mr. Wilson said okay. That was what he knew as well. And then he knows the part A, when it asked if there is a phase II expansion, he guesses that would tie into that. Mr. Kuhn said they show phase II pond, phase I pond. Mr. Wilson said right. Mr. Kuhn said somehow he has got it designed as the outlet so it can take care of both of them. Mr. Wilson said right. he knew that Mark had said if there is ever a phase II, that there would have to be a pump system set up to assist to get the drainage over to phase I to get it out to that point. He knows that. At this time, there is no plan for a phase II. It's just a potential. They have the property for down the road if there is ever a need. That's their only way to go to grow. That he does know, that he said if there is a phase II, it would require assistance to get that. It would not be just a natural flow or a gravity issue to get the water from that phase to phase I.

Mr. Black asked is that because it's not large enough. Mr. Kuhn said no, what it is, it's the meter line going out of the first phase pond. You are going to pump the phase II pond into the first phase pond, you have to make sure that meter line coming out of phase I will take care of phase I and II. If not, then what they are doing now is all for naught, because they are going to have to tear it all up and replace it all again. So he is telling them to look ahead at what they are going to do, so if he plans on going with phase II, that you have it taken care of. It's a non issue when they do phase II. That's what he is really basically telling them.

Mr. Wilson said okay. So those issues, so is it basically then landscaping, and that's it. Mr. Kuhn said that's the major thing. Mr. Wilson said the major thing. Mr. Kuhn said yeah, and the landscaping in the book, you have to have islands, you have to have trees in the parking area. He does not know if they want to do that. And if you don't want to do that, then you have to ask the commission here to waive that and see what you can trade off for the landscaping. Mr. Wilson said yeah. Mr. Kuhn said it's something you have to discuss.

Mr. Schaller said the landscaping that they have proposed is significantly different than what's out there. He asked isn't it mostly evergreen trees. Mr. Wilson said what they are looking at, and he thinks he did, that they were continuing, and he asked if he could talk over here without any problem, and Mr. Garn said yeah, he can hear him okay. Mr. Wilson said is continuing. There is a berm here, and he believes it's about a three-foot high berm along the west perimeter, and they would be adding, and he believes they are mostly spruce trees along this to continue that berm along here for landscaping.

Mr. Kuhn said you see where it says 74 and then the letters. Those are arbor vitas. Those are just along there. Now, the other ones, those are the Colorado Spruce. Mr.

Wilson said Colorado. Okay. And he knows their plan, irrigation wise, was to use gator bags as opposed to irrigation, but what they had done is he had done, he guesses, a revision to the initial plan which was running a sleeve under the pavement, if needed be, for irrigation to that site down the road at any time to irrigate that landscape.

Mr. Schaller said that was the other thing, do they show a berm on the drawings, and the response was no. Mr. Schaller said yeah, he did not think so. Mr. Kuhn said that's why he suggested that in his comments. They do have a berm down here, but he did not show a berm. Mr. Wilson said he did not show it there, and the response was no. Add that on there. Mr. Wilson said and actually it would help them in a way, too, because he knows most of the bids that they have already started to receive from a lot of the contractors, there is a lot of excess fill that would have to be removed, so that would actually assist them really in building that berm to use a lot of that fill to put there so they would not have to truck so much of it away.

Mr. Black asked what are the commission's feelings on that. Ms. Warnimont asked what about the islands in that. He thinks that's what he started to talk about. Mr. Wilson said that's what he is asking for, for that to be waived since it's so far back. They are not lighting back there. They are not using lighting. Hopefully that would provide a barrier if they did the berm, did the trees, from the homeowners on the other side then of there, which is farmland kind of in between to Thompson Road there. Ms. Warnimont said right. Mr. Wilson said and he has only spoken with one of the property owners, Don Smith. Mr. Black said that's not surprising. Mr. Wilson said he actually was not opposed to it. Actually he tried to sell them his property because he was looking to move. But actually he is aware of the situation. Thought they might need an avenue coming through from Thompson Road to get out there, but that really was not something that they were looking to doing at the time.

So actually Mr. Wilson was asking if there is a possibility to waive the islands back there since it's so far back, and it would break up the parking spaces back there, and it's not a front to the area to Route 20, or really a visible area. He was asking if there is a possibility for a waiver of that.

A member said that he also indicated there is no lighting proposed, and Mr. Wilson said there will be no lighting. Right. The member said security or whatever, and Mr. Wilson said they will have it fenced. The fence will continue back there. So basically they would be taking out the fence at the back now, and just basically moving it to the back, and putting a big gate there in case they need to get back there for any reason. But it would be fenced as it is now, just expanded further back to the back of the property, paved property.

Mr. Black asked if there were any other comments, and then he deferred to Mr. Garn. Mr. Garn said he does not believe that there are any islands in the, he will call it the commercial parking part of the property, but there are islands where the prospective

buyers come, that portion. Mr. Black said which is the front part, and Mr. Garn said the front part that does have the islands. Mr. Wilson said the rest of the property does not have islands. Mr. Garn said another thing, he did talk with the fire inspector today, and he felt that there seemed to be adequate room for the fire trucks and ambulances to get through in the back and turn around. He will make sure again. He knows there was a question that evidently there are no fire hydrants way back there. He knows there is a detailing shop that was built a number of years ago, and he does not think that, as far as he knows, there is any fire hydrant back there. Mr. Wilson said he does not believe so either.

Mr. Black said to Mr. Kuhn if he thinks if he receives the revised storm water plan, and Mr. Kuhn said yeah, if they do what he told them about, he would not have a problem with it. Mr. Black said okay. And what about the landscaping. In other words, he guesses what they are looking at is if they get the storm water approval from Mr. Kuhn, and then do they want to waive the landscape request, and then with those two modifications, particularly the approval of the storm water, then they could approve it this evening if that is what they would like to do. He asked if that was what they would like.

Mr. Schaller said is this landscaping in those areas, are those satisfactory. Mr. Kuhn said well, the barrier he is creating here will definitely, you know, create the screening they want from the residential. Mr. Black said on the north side he is talking about, and Mr. Schaller said no, the west side. Mr. Kuhn said, but yeah. And they do actually have, and on the east side they are planning, so they are actually creating a screen between the detention areas and the adjacent property, which is just farm. Mr. Garn said just farm fields. Mr. Black said to Mr. Kuhn that he is saying that the perimeter landscaping does meet code, and Mr. Kuhn said uh-huh. Mr. Black said just the parking lot itself, and Mr. Kuhn said right. And what it is, you know, are you going to trade off the trees that they are supposed to put in the parking lot from the trees they can put in the screening area. It would be a trade-off. Mr. Black said well, do they have adequate trees in the perimeter, and Mr. Kuhn said oh, yeah. Mr. Black said okay. Mr. Kuhn said they have more than enough. Mr. Schaller said and you have the mounding or whatever. Mr. Kuhn said add the mounding. Mr. Black said add the mounding, and Mr. Kuhn said yes. Mr. Wilson said they would like to have the mounding just so they could get rid of some fill with the mounding. It was commented it would be a continuation. Mr. Kuhn said yeah, just a continuation of that mounding. Mr. Black said to Mr. Wilson that he can revise his landscape plan to show the mounding, and Mr. Wilson said yes.

Mr. Black asked if that made sense to everybody, and they all indicated yes. Mr. Black said so they will be approving this site plan subject to mounding being added to the north side, and Mr. Schaller said west. Mr. Black said west side, and the parking lot itself, waiving the island issues. And it would also be subject to Mr. Kuhn's final approval of the storm water issue, or issues. A member said as well as the clean-up of

the little items. Subject to Mr. Kuhn's review letter, cleaning up those items. Mr. Black asked if someone would like to make that motion, or should he make it. Mr. Black said he would make that motion, and Ms. Warnimont was the second on the motion. Mr. Black asked Mr. Garn if that was pretty clear to him, and Mr. Garn said yes, and he has been writing all this down. Mr. Black said they have a motion and a second. He asked if there was any further discussion, and there was none. A roll call vote was taken. Yes votes by Mr. Black, Ms. Warnimont, Mr. Hanna, Mr. Benavides, and Mr. Schaller. Motion carried 5-0-0.

Mr. Black said thank you to Mr. Wilson, and Mr. Wilson said thank you very much. Mr. Black said he was welcome. Mr. Wilson said he was pleased to meet all of them. It was asked to Mr. Garn about him signing these, and Mr. Garn said he does not know if he needs to sign that one, because it is going to be revised. When they are redone, and then he will stop by and sign them. Unless things are not taken care of. Mr. Kuhn said about a zoning certificate to do the work, because he does not want to give him a letter saying it's okay. Mr. Wilson said thank you.

Mr. Black said the next item on the agenda is Dave Kuhn of Feller/Finch will discuss different types of PUD's.

Dave Kuhn addressed the commission regarding PUD's. He said he does not expect them to read it all here in the next five minutes. It's just homework. It was commented there might be a test next month. Who knows. Mr. Schaller said you are never too old to keep learning. Ms. Warnimont said she will not be here next month.

Mr. Kuhn said okay. Before he gets into his pile of stuff, he wants to basically ask the commission what are they looking for in the PUD. Mr. Black said well, one of the issues he has in question six, and that is how long does it last. Because they have a PUD off of Bates Road, was it, and also over there at River Road, a PUD that's been approved that are very old, and so he was glad to see that. Mr. Kuhn said there is a fine line everybody has to play on this as he found out talking to a few attorneys on zoning and all that. He has not talked to their attorney on it yet, but just talking generally, there is a fine line in between there. If you change the zoning of it, there can't be a time limit on it. Once the zoning is changed, it's changed. Now, you can create a PUD as an overlay district. which is basically not a zoning change, it's creating an overlay over the area. Mr. Black said you have to have underlying zoning, though, and Mr. Kuhn said right, underlying zoning. And then it becomes basically a plan for that similar to what you do when you do a plat for a subdivision or whatever like that. You know, if they don't build it in a certain time limit, it expires, and they have to come back. Or you can grant then an extension, whatever you want to do. But you can create this same thing with the PUD on that development plan that if he does not build it in 2 years or whatever time frame he ends up putting on it, it expires. The underlying zoning is still there, but the PUD has basically expired. So they would have to come back in and ask

for an extension. Or if the regulations have changed, then they have to meet the new regulations. So that's one way. That's one way of doing it.

But his question was basically what are they looking really to do with the PUD. Is it an instrument to allow a developer to do different things on a site. You know, maybe do green concepts, sustainability. You can do a mixed use type of thing. Or is it something to do that they want to give more regulations on an existing zoning district, you know, underlying zoning district. Mr. Black said does he mean like an R-3 or an R-2. Mr. Kuhn said R-3, and they are looking for a PUD because you are trying to create some more green space in it and stuff like that instead of having a regular subdivision, or are they looking at a PUD to do like a Levis Commons as an example. Mr. Black said one of the concerns is any time you are zoned R-1, or R-2, or whatever, they can do anything that meets the R-1 or R-2 zoning. Mr. Kuhn said right. Mr. Black said and that's the problem is you get a developer that comes in and says this is what I'm going to do with my R-2 zoning, and whatever happens, someone else comes in, and it's R-2 zoning, and it's nothing like they thought. Mr. Kuhn said that's right. Now, with the PUD, you can do it one or two ways, you know, with the overlay district, or you can actually create a PUD zoning district. Okay. That's going to be the underlying zoning. It's a PUD. Okay. And then they come in later, and then they do a plan. And then they approve that plan. Mr. Black said so he is saying the underlying zoning would be PUD, and Mr. Kuhn said right. That's another way of doing it. There are two ways of doing it. One is the PUD is the underlying zoning. It's just a PUD, and then you can give them some specific, some general requirements that they have to follow and stuff like. But then they have the sole discretion of what their plan looks like. So if you don't like their setbacks, you make them change their setbacks. If you don't like the coverage, there is too much impervious areas, or too much roof tops, you make them change that. Mr. Black said so an underlying zoning could be PUD, and Mr. Kuhn said yes. Mr. Black said and it would not even be residential, commercial, it would just be PUD, and Mr. Kuhn said right. You can create that. And he has an example. He gave them an example, and he thinks it's Springfield Township. The one that says Article XXV, PUD. That's one they have as a PUD.

Now, he has been reading about these PUD's, and if you want to get a little bit more complex with it, you can make PUD residential, you can make the PUD commercial, you can make the PUD industrial, or make the PUD mixed. You sort of have that now with that MX. Plus you also have a PUD like a residential, the RS. But really you don't have any PUD for commercial, or you don't have a PUD for industrial. So if somebody wanted to do that, you would have to create that. But the first thing before he goes to really dive into this and completely tear it apart, he is trying to find out what the commission wants. Mr. Black said he thinks that last one, this one, Article XXV, and he obviously has not read it yet, but basically the way he described it is what they would be interested in. Mr. Kuhn said this way here, and then if somebody would come in, and this will have to go, too, with the comprehensive plan, is they are going to have to say, okay, certain areas they want PUD, and then they can decide. You know, they

could say maybe this would be more residential PUD, this would be more commercial PUD, this is more industrial mix, or, you know, if they want to create an area that, say, actually they would like to create a Levis Commons in the township, you could actually set that up now, and it's there. So if a developer wants to come in, they could create that. Mr. Black said to Mr. Kuhn that if he is looking for guidance, he would say that's where they want to go is this Article XXV, and his concept as he has explained it. Mr. Kuhn said that helps. Mr. Black asked if everybody agreed with that, and all the members indicated that they did. Mr. Kuhn said that takes care of actually his first question. Okay.

The next thing is more getting the details of how they are going to approve it and all that. If they are going to create a PUD as a zoning district, do they want to have them come to the commission here like two times, or possibly three times. What he is thinking out is, you know, setting it up, then come in and actually make the zoning change, the PUD zoning change. Once they have that zoning change done, then if the resident wants to do a rush, something like that, they will deal only with that zoning change. Mr. Black said so he has agricultural. The developer comes in, wants to make it a PUD, he does not even have to have a plan. Mr. Kuhn said well, that is a question he wants to ask them about. This is another question down here is when they come in for that zoning change, do you want them to do a conceptual plan, which is basically a general plan. They don't have to put a whole lot of money into it. Mr. Black said which is where they drive them is they don't want to have to put all this engineering into it. A member said but a conceptual plan he thinks would be helpful, so they know what they are thinking. Mr. Black said yes. Mr. Kuhn said so a conceptual plan, yeah, that's one of his other questions here, too, is a conceptual plan would be with the PUD zoning. So that would be together.

After that, then they have to do the development plan. This is the more detailed plan. And the question he has is do they want to have them have the option to do a preliminary one first, to come in to discuss, and you could get feedback of what things they want, they like on it, what things you don't like so you can change it before he comes in so he can have the final vote. Mr. Black asked if that was different than what they do as an informal review. Mr. Kuhn said that's sort of what they do now. Right. So he guesses it's called something different. Mr. Black said so that would not be a public hearing, and Mr. Kuhn said no, this would be just a discussion, just an informal discussion, and everybody got their collars loose, and they are just saying well, I like this part of it. Mr. Black said so you can't actually build on the development, or the conceptual plan. Mr. Kuhn said right. Mr. Black said okay. Mr. Kuhn said it would be the final development plan which they vote on. Mr. Black said which would be a second public hearing. Mr. Kuhn said right. Okay. So you really have two public hearings, but you could have that third meeting, or in between the public hearings where they could come in with the preliminary plan and kind of discuss things with them, and get the feedback from them before they would come and do the final public hearing. He thinks

it's a good idea, but do they want to make it optional, or do they want to make it a requirement. That's something.

Mr. Schaller said he thinks if you make it optional, if they are on a fast track, they could still accommodate it. Mr. Kuhn said right, because if you look at his comments, number five down here, this is how he envisioned it is the first meeting is the PUD conceptual plan approval. This would be the zoning. The second meeting would be the discussion on the preliminary. It would not be a public hearing, it would be just a discussion. And then the third meeting would be the final development plan, and that would be another public hearing where you would have comments from the residents. Because that discussion for that preliminary plan is just between the developer and the commission. The people would not even get involved in it. So that's what he envisioned is probably the best way to go about it, and Mr. Black said he believes so, too. Other members agreed.

Ms. Warnimont said but how would they know when they come with that preliminary plan whether they make it optional or not. If they say it's going to be optional, what if they have all their ducks in order, and that's fine. But what if they don't. That they have to tell them no, they have to come back for a final plan. If they come in with this preliminary, but it may be final to them, but they are going to consider it as a preliminary. And if they find nothing wrong with it, they can go ahead and go to the next step, the next meeting. Mr. Kuhn said well, what they need to do is, oh, he sees. They come in as a preliminary, but they have everything done. Ms. Warnimont said yeah, all their ducks in order. Then they can come to the next one. But if they don't. You know, she does not know about this optional business, you know.

Mr. Schaller said well, they should be talking to Mr. Garn, and asking him about the process, and be able to explain that to them if they have that option if they are on a fast track. Otherwise, they don't. Mr. Black said but they have any obligation to approve it anyway. Just because it's final does not mean they have to approve it. The members agreed. Mr. Kuhn said if he skips that optional one from the preliminary and goes right to the final, and he does not have stuff they like, they table it until the next meeting. Ms. Warnimont said okay. Mr. Kuhn said it's no different than what they do now. If he does not make him happy, he won't make you guys happy, then he does it again. Mr. Black said now that's a good point. Within their resolution, are they able to table that, or are they required to take action within a specific period of time. And that would be his only concern. And even if it is not in their resolution, is there some statutory obligation that they have to. Mr. Kuhn said that's a good question.

Mr. Garn asked is this PUD a zoning change, number five. Mr. Kuhn said no, what they are talking about is a development plan, not the zoning change. Mr. Garn said okay. Mr. Kuhn said if it's a zoning change, yes, they have to do it by a certain period of time. But this is a development plan for the PUD. Mr. Black said so the PUD was the first hearing, the obligatory, statutory obligation of deciding, and Mr. Kuhn said right. Mr.

Black said okay. Mr. Kuhn said the development plan, the final approval for the development plan allows Mr. Garn to actually give them the zoning certificate to start with. Mr. Black said so that's like the site plan, the original statutory obligation. Well, that makes a lot of sense he thinks.

Mr. Kuhn said because right now the way the PUD reads, it's an overlay district, but it don't read that way in here. It's very confusing. Because he has read it, you know, kept on reading it over and over again, and every time he reads it he keeps on getting a different answer in his mind over it. He said they have to make this more clear cut so it's like this, ding, ding, ding, ding, so it makes it easier on the developer. Another thing is, you know, you want to build a do-it, and he is happy that they want to do it as a PUD, you know, underlying district. This way there it kind of opens it up and gives the developer some ideas of different things he can do, so developers would be more likely to come here.

Mr. Black said so the back and forth isn't on the zoning change, it's on the site plan review, and Mr. Kuhn said right. And, you know, and the details really come with that development plan, it's not so much with the zoning change. The zoning change is the PUD. And then that opens up this whole new world really for a developer to work on things. Mr. Black said that just makes a lot of sense, rather than being R-1, R-2, and they can show you what they want, but it does not matter as long as it's in compliance with all the dimensions of a R-1 or R-1. Mr. Kuhn said and you have to take into consideration that's where the conceptual is, during the conceptual and things like that, and with Mr. Garn and all that, you know, definitive residential zoning, well, we are not going to allow them to put industry in there. It's got to be something that will kind of conform with the surrounding zoning. So they are going to be limited somewhat on what they are going to do. And they can write that into the regulations, but still give them enough.

Mr. Black said and that actually will put more emphasis on their review, which is important, and take some of the I want it here, or not here, from out there. Mr. Kuhn said right. Mr. Black said and so it is important that the township always have kind of, for lack of a better term, a good zoning board. Mr. Kuhn said doing it this way is going to give them more responsibility. Mr. Black said exactly, which as long as the trustees continue to put it together, he thinks it makes a lot of sense.

Mr. Kuhn said and as reviews, you know, as they do reviews, or anybody does the review on it, they will give them recommendations like okay, they want to put an industry next to this residential, no, we recommend this not be done, and you might find another spot to put this thing, things like that. And like landscaping in the PUD will be referred to the landscaping section, so they are going to have to do everything within the landscaping now. Parking won't change either. They will have to do what's in the parking. You know, all that. And if it's a residential use, they have to follow the residential parking. If it's a commercial, they have to follow that. Mr. Black said but

certainly it allows them to cluster, too. Mr. Kuhn said right, and they can cluster, they can create green areas, they can create parks, they can do whatever they want to do. And, you know, Levis, you know, you don't think of really any parks over there, but there are some park areas, you know. And, you know, you can create some urban park areas actually. So it's different than what you think of the grass and the tree park area.

Let's see, what else does he have here. Back to time frames. One thing they notice on a lot of development plans and all that is the time frame for the development plan is like around 2 years. After 2 years, it expires. Now, the one problem, and they are getting complaints from developers all the time, is if they have to go for a wetland approval, the corps of engineers' approval, sometimes those take over 2 years. And his thinking is give them a two-year expiration or a time period, and they have to start building the development. And then if they are held up because of some federal permits and all that, they can always come back to you and ask for a two-year extension. If there is no good reason to extend it, don't extend it, and they will have to come back and do it all over again. Mr. Black said it's not as though they can't. Mr. Kuhn said the thing is what he is always afraid of, especially with some of these developers, it takes so long even to get started on the project, and the rules have changed. And something you approved 2 years ago might not apply anymore because something else has changed. And that's what he is always afraid of.

Another thing is, you know, do you want to create a time period or whatever that they need to build the project in. Mr. Black said well, just go back a second. He makes a very valid point about at what point is the code applying to this application. And there could be some standards where now they have got whatever included. And he thinks that's fair to maybe say within the resolution that if you started the process, then the rules that were in effect at that time stay in effect. Now, whether they stay in effect for the next two-year extension that might be available is another issue, but he thinks certainly that first 2 years is fair to say if they have made some major overhaul, because then you are hitting a moving target for a developer. That is not fair. Mr. Kuhn said right. Mr. Black said so you probably want to think about what his recommendation might be, whether the time frame they pick is just for that first 2 years, or you might give them a one-year rather than a two-year extension on that one part of complying with it. Mr. Kuhn said right, and see what he is looking at. It was commented that if you tell them that upfront, they may accelerate the program. Mr. Black said it actually could be an incentive. The member said right, to get them moving.

Mr. Kuhn said the problem he has, too, and he has had it with other entities, is okay, a project starts. They start within the first 2 years. They get it done, phase I. 7 years later and they come back and they start phase II. The rules have changed. What do you do in that case there. You need to do something. Mr. Black said and there is no question they need to comply to the new rules. So now the question is, you know, what the time frame is they can decide on. But he thinks it's fair to say after a certain

period, the new rules would apply, and/or you may have to reapply to start all over again. Mr. Kuhn said all over again. Right. Mr. Black said and they would leave that to his judgment. Mr. Kuhn said he knows, and he has to get some wording on that, too, especially on a project that's already started, and then all of a sudden it goes dead for, you know, 7 years. Mr. Black said for whatever reason. The credit crisis that they had or whatever. Mr. Kuhn said like the economic problem that they are having now. A lot of developments have done a few phases, but they have maybe six or seven more phases to do, but they have not done anything in 3 or 4 years. And if, you know, your rules have changed, well then, they should follow the new rules, you know. That's his feeling.

Mr. Black said then what other items on his checklist does he have. It seems like they have covered some of them. Mr. Kuhn said he has covered most of them. There were six different things on here, and they could go on and on. Mr. Black said well, this number 6 is what they were just talking about. Mr. Kuhn said right. And let's see, he talked about 5. Yeah, they have talked about 4, 3. Yeah, they have talked about 3. Yes, they have talked about 2. So he has talked about his questions. A couple of things. Mr. Black said so they have answered his questions, and we have also decided Article XXV; right, conceptual is where they want to go. Okay. So does that mean that they can disregard these. He is doing a lot of good editing for them, which he appreciates. Mr. Kuhn said what he gave them, he gave them a couple of them that had the overlay type of zoning, you know, since they already decided they are going to do that. Mr. Black said okay. Mr. Kuhn said they can keep it and read it if they want to. Mr. Black said no, no, no. A member said only leave what it's going to be. Mr. Black said exactly. The member said he does not need all the background. Mr. Kuhn said he gave them some things. This came from the state. There is like PUD's, three different kinds of PUD's, and they have kind of discussed that already. So if you want it just for reading material, go ahead and read it.

Mr. Black said he did mention something during this discussion that they should probably go back to. Mr. Kuhn said okay. Mr. Black said the comprehensive plan. They are going to have to say something. Mr. Kuhn said somehow, yeah. In talking today, their office, they talked to Beckett and Raedar today, this afternoon, and they are coming next month for sure. And he told them they need to get together to find out what the future land use plan is, because that is going to dictate sort of what they are doing with the zoning resolution also. Because, you know, if they are trying to plan for some lifestyle type mixed developments, then maybe we should have them set it up for a PUD now. Mr. Black said yes. Mr. Kuhn said then it's there, you know. Mr. Black said so did he have that discussion with them, and Mr. Kuhn said yes, so he had it before the October meeting. Mr. Black said okay. Mr. Kuhn said because what he wants to do is have an outline of the new PUD for their October meeting, and probably he will get it to Mr. Garn so he can get it out in their packets beforehand. Mr. Black said well, they have dealt with this PUD for along time, and most recently had some

consultants talking to them about it, and this is the clearest, most concise information they have had, and he asked the members if that's what they would say.

Ms. Warnimont said right. She said there is a separate PUD application; right, when they do it. Not a zoning application, is there a separate PUD application, and Mr. Black said no, it's a zoning application. Mr. Kuhn said it's going to be just like a zoning application now in the future when they enact this. Ms. Warnimont said well, she thinks those time frames should be in that application, and the book also. Mr. Kuhn said well, it's going to be in the book. Ms. Warnimont said but because this way, if they go back and say well, let me look and see what that time frame is, you know, they will look at their application. If it is not in there, they just think okay, they won't even look at the zoning. Mr. Black said that's a good point. Right.

Mr. Kuhn said Mr. Garn is going to have to change his sort of form a little bit probably. Mr. Garn said he is talking about the zoning change application for PUD, but then he is talking about this separate section for approving the plans then. Mr. Kuhn said oh, right. That's going to change. Yeah, that's going to change a little, too. Mr. Garn said that's what they don't have. Mr. Kuhn said right. Mr. Garn said they did in a way before where they tried to have a preliminary PUD where they would go through the process, but then that was deemed to be illegal. Mr. Kuhn said and what he thinks probably what they will be doing is a lot of these will create a bubble chart to say okay, this is how you have to follow things, bang, bang, bang, bang, so the developer has no question of what they have to do. Because now on a lot of these zoning codes and resolutions, you know, it's kind of convoluted, and you get kind of confused. Right.

Mr. Black said now in their zoning resolution there have been zoning changes made. Again, can their zoning resolution have PUD requirements upon zoned land now going forward or not. In other words, if you had some land that was zoned R-1, or R-2, or whatever, can their resolution say as of this date, they can require things. Mr. Kuhn said he does not think so. Put it down there. Mr. Black said well, let him ask him this. If they do this, is it possible that either the trustees or the ZC could make application itself and apply to change it from R-1 to PUD. Mr. Kuhn said sure. You could do that, but the problem is is you are going to have to get the property owners on board. Because if you change something at the property owner's consent, then that opens a whole new can of worms. Mr. Black said okay. Because he understands the property owner can apply for a zoning change, but also the ZC and/or the trustees can do it. Mr. Kuhn said can do it. Right. Yes. Mr. Black said but what he is telling them is just as the property owner can apply, and he needs their approval, if they apply to change it, they need the property owner's approval. Mr. Kuhn said you need to have the property owners go along with it, because what the attorney told him, if you make a change on the property, that makes them lose value to that property. Then the township basically is on the hook for that loss of value, which would make sense. Because you are hurting his property. It was commented you have to do that with the owner's acknowledgement, he would think. Mr. Black said okay. Just he is trying to understand

what they can do. Mr. Kuhn said that's what he told him. That question has come up once.

Mr. Black said they have had a number of zoning things come up and say this is what it's got to be. He told Mr. Garn to go ahead. Mr. Garn said at one presentation they talked about that he could almost designate a PUD over all the zoned area of the township, as he remembers that they talked about that one time. Mr. Kuhn said yeah, that's an overlay over the whole township. Mr. Garn said over the whole township that you could just do it. That way the ZC would have complete control over all development, and he does not know what would happen if the developer said he wants to do it as an R-3. He is not sure what would happen with that. And if he had a PUD over that. Mr. Kuhn said yeah, you are creating an overlay district over the whole thing. Mr. Garn said right, and it's an overlay. It's an overlay. Mr. Kuhn said then that's different than what they originally talked about.

Mr. Black said now, if they go forward with this PUD concept that they have been discussing, and they put it in the comprehensive plan, are they restricting themselves to only allowing or being allowed to have a PUD where the comprehensive plan says it will be. Mr. Kuhn said the way he always reads comprehensive plans is you can't go any stricter than that zoning, but you could go something less. So let's say if they did a PUD more in a residential area. If somebody comes in to do a big lot, single family, yeah, you can go ahead and approve that even though it's not a PUD. Mr. Black said okay. Mr. Kuhn said but, you know, they need to probably with the PUD's, if you want to get a little bit more precise on things, you know, PUD residential in this area, or PUD mixed use in this area, or PUD commercial. Mr. Black said the trouble is they never really know where commercial/residential might work as they define it. Mr. Kuhn said and that would be more in areas that are already zoned. You know, certain zoning around an area. If you want to create a block, a PUD around like residential, commercial, or whatever like that. But if you're in the new part of the township where there is agriculture zoning now, I mean you just PUD it, and let it happen the way it happens if you want to do it that way. You know 25 is going to be a commercial corridor. So you know that. 20 is going to be a commercial corridor. You know that. The stuff in between.

Mr. Black told him to talk with Beckett and Raedar and see what they think. The guy seems like a pretty bright guy, experienced guy. He might have some recommendations to make. Mr. Kuhn said because that way there, they can kind of clean sight the resolution with what the master plan is. Mr. Black asked if the members had any other comments that they would like to share with Mr. Kuhn. He told him he appreciated him coming. He thinks it's nice they are trying to coordinate now with the comprehensive plan. And the PUD they have struggled with for years, getting it to where they think it's workable for both ends, the developers as well as the township. Mr. Kuhn said they are trying to make it easier for the developers, that they have some latitude in there, but they also want to create some control, too. Mr. Black said yeah,

you don't want to have carte blanc that goes on forever. Mr. Kuhn said you have to find that compromise, and you have to make it easy to use. Because if it's not easy to use, then the developers won't use it. Then you are stuck.

Mr. Black asked him if he has had some experience on how long Springfield has been. Has he had much experience with their plan. Mr. Kuhn said yeah, they have actually used the Sylvania one. Mr. Black said oh, is that Sylvania. And he said he was sorry. A member said he did say Springfield. Mr. Kuhn asked if anybody knew where Mayberry is in Sylvania. He said that is a PUD. That was created because what you have is commercial on the bottom with apartments on top. And that's like a mixed use PUD. So he read the City of Perrysburg's and stuff, and that's so confusing. Mr. Garn said that was written by Beckett and Raedar, he thinks. Mr. Kuhn said oh, was it. Mr. Garn said he thinks they did Perrysburg Zoning. Mr. Kuhn said he is going to have to talk to Ben then about that.

Mr. Black asked Mr. Kuhn if he had anything else he wanted to share with them, and Mr. Kuhn said he thinks that's enough. It's 7:00. Everybody wants to get home. Mr. Black said thank you so much to Mr. Kuhn, and thanked him for helping them out on the site plan, and he was glad he was here for that. Because otherwise it may have been deferred until next month.

Mr. Black asked Mr. Garn if he had any issues he would like to share with them, and he said no, not at this time. Mr. Black then asked if any of the other commission members did, and no one did.

Mr. Black said their next meeting does not interfere with Columbus Day. He knows there were some issues with a meeting on holidays, and they were told not to meet on those. He asked if that was Columbus Day. It was commented yes, it is. Mr. Black said they had some issues, and the trustees don't want them to meet, and he asked if that was right. Mr. Garn said correct. A member said it is correct. Mr. Garn said did they want to go with the next Monday, the 19th. A member said which day is Columbus Day. Mr. Black said it is the 12th. Ms. Warnimont said what time do the trustees meet. Don't they meet earlier. Mr. Black said no, they just don't want them to meet, period. Ms. Warnimont said if they go to the following Monday. Mr. Black said he sees. Mr. Garn said the 19th they meet also, but they have been meeting at six, but that could be a conflict. A member said they have Beckett and Raedar. It will take longer. Mr. Black said it might, because it sounds like they are finally bringing things together. Ms. Warnimont said on Tuesday, the day after Columbus Day, a bad day for everybody. Mr. Black said the 13th. Mr. Garn said no. Ms. Warnimont said it is not for her. She does not know about anybody else. A member said that would work for him. Mr. Black said well, let's do the 13th, the normal 6:00 time, and asked if that made sense. The members agreed. Mr. Black asked is there a motion to change their meeting from their normal second Monday. Ms. Warnimont said she would make a motion to change the meeting to the Tuesday. Mr. Black said that will be Tuesday, October 13th, and Ms.

Warnimont said at 6:00; right. Mr. Black said at 6:00. He said Ms. Warnimont made a motion. Mr. Benavides was the second on the motion. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Benavides, Mr. Hanna, Mr. Schaller, and Mr. Black. Motion carried 5-0-0. Mr. Black said and somebody will let Ben know. Mr. Kuhn said well, Mr. Garn can call him, but he will call him, too. He does not know if Mr. Garn wanted to give him a formal invitation, but he will call him.

Mr. Black asked what happened today. Mr. Garn said he just called this afternoon and said that they just did not have enough material to do anything, but he does not know what their thoughts were about their last few meetings. But when they talked to them, it did not seem to go well. A member said they did not have a lot prepared at the last meeting. They went over some of the old stuff, and then they did not really update what they had talked about at the previous meeting. Mr. Kuhn said that's what he heard, they did not update the map, the future land use map. And then talked to John, who was the principal of the thing, and he says everything will be updated for the October meeting. Mr. Black said they need to have more substance, and better prepared. Mr. Kuhn said there will be a draft. Mr. Black said of the entire plan. Mr. Kuhn said he does not know of the entire plan, but a majority of the plan. So there are some sections he has to put in yet, and he has not given him the information he needs yet to finish up that part of it. But he thinks like the future land use, and the land use stuff, he thinks they are going to have that. Mr. Black asked Mr. Garn if John was aware of this. Mr. Garn said oh, yes. Mr. Kuhn said oh, yeah he is. Because they made John from Beckett Raedar call your John. Mr. Black said okay. He just wanted to make sure John Hrosko is on board with them also. Because he is right, and then not being here this week creates its own issues. Mr. Kuhn said yeah. So yeah, they talked to him.

Mr. Black asked if there was a motion to adjourn. Ms. Warnimont moved with a second by Mr. Schaller to adjourn. All members were in favor, and none were opposed. The motion carried. The meeting was adjourned at 7:05 p.m.

Respectfully submitted,

Grant W. Garn,
Recording Secretary