

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

ZONING COMMISSION MEETING  
June 13, 2011

The Perrysburg Township Zoning Commission held a meeting on June 13, 2011. Robert S. Black, Chairman, called the meeting to order at 6:00 p.m. A roll call was taken. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded. Mr. Garn said there are four members present.

MEMBERS PRESENT: Robert S. Black, John J. Benavides, Ronald M. Hanna, and Richard Kelsey.

MEMBERS ABSENT: Jeff Schaller, Carol Warnimont, and Jeffrey Normand.

APPROVAL OF THE AGENDA: Mr. Black said and with the amendment to the agenda that they will add a discussion of their July meeting date, he asked if there was a motion to approve the agenda. Mr. Benavides moved with a second by Mr. Kelsey to approve the agenda with the amendment. A roll call vote was taken. Yes votes by Mr. Benavides, Mr. Kelsey, Mr. Hanna, and Mr. Black. Motion carried 4-0-0.

APPROVAL OF THE 5/9/11 MEETING MINUTES: Mr. Black said they will defer the approval of the minutes from May 9<sup>th</sup> because there are not three people in attendance this evening that were present for that meeting. He asked if there was a motion to defer that approval. Mr. Hanna moved with a second by Mr. Benavides to defer the approval of the May 9, 2011 meeting minutes. Mr. Black said Mr. Benavides was the second on the motion. A roll call vote was taken. Yes votes by Mr. Hanna, Mr. Benavides, Mr. Kelsey, and Mr. Black. Motion carried 4-0-0.

Mr. Black asked an audience member if they were present for an agenda item. He then said since there is no one else here, there are no public comments. The only person here is the person that's next on the agenda, and that's an informal site plan review.

**INFORMAL SITE PLAN REVIEW FOR 10711 FREMONT PIKE:** Ken Hicks of Diverse Development is proposing a new use for the Sunoco Service Station property located at 10711 Fremont Pike. A copy of the proposed plan is attached.

Mr. Black asked the gentleman if he could please stand up, state his name, address, and affiliation.

Kenneth Hicks introduced himself to the commission and addressed them regarding this informal site plan review. He asked them if he was supposed to sit down here, and Mr.

Black said no, just stay there, because they record these. Mr. Hicks said okay. Great. He said first of all, thanks for taking the time to come out for just one on their agenda. He asked Mr. Garn if everybody has the site plan that he submitted, and the members said yes, yes, they do. Mr. Garn said yes. Mr. Black asked him if he owned this property, and Mr. Hicks said he does not. He has a contract with the owner to purchase the property. Mr. Black said okay. Mr. Hicks said he is a local developer here in Northwest Ohio. As a matter of fact, he is developing the site just to the east, but it's really in Rossford in front of the Meijer currently. And they are looking to purchase and redevelop the former Sunoco that sits out in front of the Holiday Inn Express. He has met on two occasions with their neighbor to the rear, Bennett Enterprises, to discuss shared access, and so on and so forth since they may be neighbors. And really just wanted to sit down. You know, he has done several of these meetings, and it's always obviously the best to start from the beginning with the township and talk about any issues that anybody may have or see.

What they do is he will say they develop, he calls them sort of upscale developments, retail developments. It really starts with location, number one, and number two, the quality, because number three, what it allows them to do is really to tenant their developments with, he calls them high quality or corporate type tenants. He does not have the names of the tenants on this sheet to keep them really unidentified right at this time, but as they can see, one of them is a drive-thru concept. But they are both for restaurants to go on the site. One of them is heavier trafficked at one time of the day, and the other one is heavier trafficked during another time of the day. They are both he will call corporate, upscale type tenants that are not in the straight area, but are looking to go here.

Mr. Black asked is there just one of those that will be a drive-thru, and Mr. Hicks said yes. He can see two, but each tenant will have their own patio. The drive-thru is the smaller patio out front, and the other tenant to the west, that's a 2406, will have a little bit larger patio.

There is currently an easement in place that allows the Holiday Inn Express traffic to cut across this parcel. That will stay, and what they see to the rear is an additional access that they have talked to the operator and their tenants, and they just feel it would be easier, a little bit easier flow for some of their customers, or our customers, vice versa, to go back and forth instead of having to go back around. This use that they are looking to put in the center the hotel, he believes, finds beneficial just because of the tenants that will be going in, make it convenient for their customers that stay at the hotel.

Also they may note there currently are two curb cuts along Route 20. They will be eliminating the furthest east curb cut. There is really no use to have two of them because there is a median there. He is trying to think what else. Their dumpster will be screened. Mr. Black asked is that what's in the corner here, and Mr. Hicks said yes,

that southwest, and Mr. Black said the other access to the hotel, is that what the DE is, and Mr. Hicks said yes, dumpster enclosure.

A member said he was a little curious. Why do they need the extra access to the hotel. Why couldn't people just use the one that's the diagonal access that's currently there. Mr. Hicks said they could. He is sure that will be used. Unfortunately his tenants are not here, and he would defer to them because they are sort of the experts to how the traffic flows for their business. The member said okay. Mr. Hicks said and they both asked that they approach Bennett Enterprises to add that access. The member said will this be a one way access, or back and forth access, and Mr. Hicks said back and forth. Another member said the access off of Fremont Pike, is that a two way, in and out, and Mr. Hicks said yes. The member said has that been reviewed at all by the state, and Mr. Hicks said ODOT, it has not. Has not.

Mr. Black asked Mr. Garn if he had any comments. Mr. Garn said well, he will have a few. He did give a copy of this drawing today to the trustees, just they had no comments. And he has not given this, a copy of this to their fire inspector. He would suggest they would want to meet with him. He is a little perplexed as to the traffic flow and possibly the width of the driving area next to Lake Vue Drive. And then they have, it looks like some parallel parking spaces. He asked if that was what those were designated in there, and Mr. Hicks said yes. Mr. Garn said you know, where the roadway is at that point is only, you know, 17 feet instead of 25, and he just knows that the fire inspectors look very much at ambulances and fire trucks trying to circulate, and Mr. Hicks said they will be able to circulate, and Mr. Garn said circulate around the buildings, and Mr. Hicks said yep. Mr. Garn said so you have been there. You have an idea, and Mr. Hicks said he understands. Mr. Garn said and then one of the other issues that may come up is the size of the lot and the providing of some kind of storm detention. That's something that he is sure the Van Horn Hoover have been there before, would have some idea on that. Mr. Hicks said uh-huh.

Mr. Black said to Mr. Garn does he have enough information on the site plan to know whether the parking is appropriate for the number of spots. Mr. Garn said he could look. A member said the notes on the lower left he thinks it states that there is a proper number of spots. Mr. Garn said right. He was just wondering, you know, whether that will work out with the fire trucks and so on moving around because of the, and he believes a roadway is required to be 25 feet wide he thinks, and so that there is an initial concern.

Mr. Kelsey said he had another question. On the right side of the plan along Lake Vue Drive it says close existing access, and he asked what does that mean. Mr. Hicks said there is an existing curb cut there. They are shifting that to the south of the site. Mr. Kelsey said okay. So they are shifting it south. All right.

Mr. Garn said one thing with that, good or bad, is there is the entrance above that or near that that goes into the, maybe the Big Boy restaurant or something. They are not acrossed from each other anymore. He does not know if they are right now acrossed from each other. He has not paid any attention. But that sometimes causes a little problem for traffic turning in or out when they are not directly across from each other. They see that in different situations in and around the area. He is not a traffic engineer. It looks their entrance from Fremont Pike is basically a right in, and Mr. Hicks said yeah, you can't really take a left out of there. Mr. Garn said or a right out, it does not look like that. Mr. Hicks said naturally it will be a right in, right out. Mr. Garn said right. He sees what he is saying. Just like at the curve, and Mr. Hicks said uh-huh. If they could get them a break in that median, that would help. He heard this is a pretty powerful group.

Mr. Black asked Mr. Garn if he had any other comments, and Mr. Garn said that's all he has at this time. Mr. Black asked if there were any other comments from the members, and there were none. He then asked Mr. Hicks if he had any other comments, and he said nope. Mr. Black said his next step would be to come in with a formal site plan, and Mr. Hicks said yes. Mr. Black said he thinks one of the things that he has heard here is the fire inspector, and Mr. Hicks said uh-huh. Mr. Black said he would suggest that he sits down with him before he comes back to them so that won't be a question in their next meeting. Mr. Hicks said okay. A member said and he thinks ODOT last time had some comments on how to get in and out, and how to treat that drive in and out. Mr. Hicks said okay. Mr. Black said so before he comes back to them again, he would suggest that he goes and visits the Perrysburg Township Fire Inspector as well as the department of transportation, and Mr. Hicks said he will. Mr. Black said so they will have their comments. He said to Mr. Garn that he can give Mr. Hicks direction as to who to talk to, and Mr. Garn said right. Mr. Hicks said he knows who to talk to, but he said thanks, and yes. Mr. Garn said right. Yeah. Mr. Black said because they would like those cleared up before he comes back so it's not another question. Mr. Hicks said okay. Sure.

Mr. Black said and what was that about the storm water. Mr. Garn said well, because he thinks it's over an acre in size so that it would require some type of storm water detention. Mr. Hicks said uh-huh. And that is the cut off is the one acre, and Mr. Garn said he believes that's what it is. Mr. Hicks said okay. Mr. Garn said he thinks it's an acre, one acre or more, and that's the cut off for that for storm water. There again, you know, Van Horn Hoover will be able to guide him in that area.

Mr. Kelsey said the other issue would be if they are going to be converting this gas station, they would be removing gas tanks, and Mr. Hicks said yes. Mr. Kelsey said fuel tanks, so there would be environmental issues, and Mr. Hicks said he is hoping not. You know, the plan is they are going to remove the tanks, test, and apply for an NFA. Mr. Kelsey said they need a separate permit to do that, he believes, don't they, and Mr. Hicks said they do. They do. As a matter of fact, they call them for the job on this,

who owns the site does that for a living, and they will be the ones that they will be contracting them to do the work. They are a pretty reputable company.

Mr. Garn said he guesses a further comment. This is in the overlay district, and the signage is different. Mr. Hicks said yes. Yes, they will be applying to use the existing. Mr. Garn said this requires a monument sign. Existing signs on the buildings, but anything beyond the building is a monument sign. Mr. Hicks said well, on Route 20 they will have a monument sign, but they will be applying to use the 75 sign that's currently there, the large Sunoco sign. Mr. Garn said just to let them know that he understands what they are saying, so that may be something going before the board of appeals. Mr. Hicks said okay. Mr. Black said for the existing sign. Mr. Garn said possibly with that, yes. They will see. Mr. Hicks said even if they keep it at the existing location. Mr. Garn said they will double check and see. Mr. Hicks said okay. Mr. Garn said just giving them some direction. Mr. Hicks asked does that direction come from this group or the trustees. Mr. Black said the board of zoning appeals. Mr. Hicks said he was sorry, and Mr. Black said in front of the board of zoning appeals. Mr. Hicks said okay. Okay. Mr. Garn said brand new in the overlay district does not allow for monument, or, yeah, high rise signs, and Mr. Hicks said uh-huh, and Mr. Garn said but there are high rise signs in the area, so that's sort of non existing ones for other existing business locations. Mr. Hicks said uh-huh.

Mr. Black said anything that does not meet their current zoning resolution that he would want to do, he would have to go to the board of zoning appeals to get it. Mr. Hicks said uh-huh. Mr. Black said and the overlay zone has specific landscaping requirements. Mr. Hicks said uh-huh. Mr. Black asked if he was aware of that, and Mr. Hicks said uh-huh. Mr. Black said okay. Mr. Garn said yeah, because he does not know how much land there is. That's another thing, if they are showing 5 feet between those parallel parking spaces, Lake Vue Drive, and that may be something where their requirement for that area may be 10 feet wide since it's on an existing street. Those are all things that their engineering firm will pick up off of the zoning resolution. Mr. Hicks said uh-huh. Mr. Black said and again, if they wanted 5 feet instead of the required 10 feet, you have to go to the board of zoning appeals. Mr. Hicks said BZA, uh-huh. Mr. Garn said right. Because those requirements were plan things, and he thinks that they went through that. Mr. Hicks said so he has to go to BZA first, and then come back to them. Mr. Black said well, they can approve a site plan subject to board of zoning appeals. Mr. Hicks said subject to, okay. Mr. Black said and then if they don't get approval, the site plan would not be approved. Mr. Hicks said okay. Okay.

Mr. Black asked him if he had enough information from them at this point so that he can go forward, or does he have other questions. Mr. Hicks said no, he does. He does. Yeah, if they have no more questions or comments, and Mr. Black said no, he does not. He then asked when would he expect to come back. Would they come back next month, or it might be longer. Mr. Hicks said he would like to, but he has a feeling it will be August. Mr. Black said okay. He said that will be fine. Mr. Hicks said okay. He said

thank you to the board members, and Mr. Black thanked him for coming in, and Mr. Hicks said they were welcome.

**ACCESS MANAGEMENT – ORC 5552.02.** Discussion and possible implementation by the trustees. Material attached from 2003.

Mr. Black said the next item on the agenda is the access management. He asked Mr. Garn if he wanted to share his thoughts on what he would like them to do. Mr. Garn said well, he knows that the trustees, he believes it's on their to do list at some point. Mr. Black said well, what he was not sure, because this memo dates back to November of '03, and they have now become a home rule township. What impact does that have on this memo. Mr. Garn said well, that's going to be the interesting part of it. He thinks, you know, the law director will have to become involved, too, because you can tell from the population base, and he believes their current population is 12 or 13, 000 which is below the 15,000 requirement. Mr. Black said it's all that annexation that's occurred in the last 10 years really. Mr. Garn said that's right. Mr. Black said they did not really shrink. Mr. Garn said that's right. Mr. Black said it just got annexed. Mr. Garn said just got annexed. So he does not know what affect that would have on the way this law is written, and if it's been amended at all. Mr. Black said yeah, he does not know if the home rule has, and if or what that allows. Mr. Garn said he thinks the home rule, he suspects that the township can go ahead, unless the rule has been changed substantially since they are a home rule. Now they refer to it as urban townships. Mr. Black said that's what he is saying, maybe this language is a little different. Mr. Garn said yes.

A member asked is the county doing anything on this, and Mr. Garn said as far as he knows, the county has not done anything. The member said because it becomes void if the county does something within a year or so. It was commented yeah. Mr. Garn said well, yes, unless you are home ruled. Then the county then does not really count.

Mr. Black asked so is the law director going to write, and Mr. Garn interjected well, would you like that. He can go ahead. He thinks it's up to the zoning commission if they would like the law director to review this, or ask him to review it. Mr. Black said yeah, he will make a motion that they recommend that the law director review this based on the time that's gone on since, it's November of '03. A member said it's 8 years old. Mr. Black said plus they are a home rule, and a home rule township. He asked if there was a second to that motion, and Mr. Hanna was the second on the motion. Mr. Black asked if there was any other discussion, and there was not. A roll call vote was taken. Yes votes by Mr. Black, Mr. Hanna, Mr. Kelsey, and Mr. Benavides. Motion carried 4-0-0.

Mr. Black said the next item on the agenda is to change their July meeting. And he believes that's from July 11<sup>th</sup>, and changing it to July 12<sup>th</sup>, and he asked Mr. Garn if that was right. Mr. Garn said that would be, unless they wanted to go to a later date. But

as far as he knows. Mr. Black said no, he does not think he wants to go to the next week. He said if that's all right with everybody, and all the members agreed. Mr. Black asked if everyone here this evening could be here on the 12<sup>th</sup>, and all the members indicated that they could. Mr. Black said okay. So let's just do that, and then be sure and let, and Mr. Garn said Ms. Warnimont know, and Mr. Black said and Mr. Schaller. So if they could do that, he would make a motion that they change their July 11<sup>th</sup> zoning commission meeting to July 12<sup>th</sup>, same time, 6:00 p.m. He asked if there was a second on that motion, and Mr. Benavides was the second on the motion. Mr. Black said Mr. Benavides was the second, and he asked if there was any other discussion. There was not, and a roll call vote was taken. Yes votes by Mr. Black, Mr. Benavides, Mr. Kelsey, and Mr. Hanna. Motion carried 4-0-0.

Mr. Black asked Mr. Garn then if there was anything else that he would like to share with them at this moment. Mr. Garn said well, this is just one other thing, and sort of the thought process. Next week they are having hearings, and two of the hearings are about privacy fences where people have put some privacy fences in their side yard. And the only place at this point that they allow them in side yards is in the Perrysburg Heights subdivision because of the lot problems there, size and so on. Some of the older rules used to allow for privacy fences in the side yards. He has not checked the City of Perrysburg. It seems that a lot of their privacy fences come approximately half way up on the dwellings in the side yards. And this is just letting them know because they said to let them know if there are things that start occurring. Mr. Black said more applications, and Mr. Garn said more applications. And he knows that he has a lot of situations like this in some other subdivisions where people, privacy fences, or fences in general are something that a lot of people just sort of put in without getting permits, along with sheds and a few other things. Mr. Black said none of these that have come in are already up, and Mr. Garn said these are both up. A member said oh, no, and Mr. Garn said oh, yes. Mr. Kelsey said as a matter of fact, he has another one that he was going to tell Mr. Garn about this evening about a privacy fence. Mr. Garn said okay. And these are things to look at, but also because they are going to be changing the zoning book at some point because he is finding more little odds and ends.

Mr. Black asked are these privacy fences that he runs into, they are just brought up half way, or are they coming all the way. Mr. Garn said both of these have come up all the way into the side yard. And it's interesting, he means their reasoning. These two, one of them, the person owns both houses, and he rents one of the houses out to someone else, and it just sort of designates between the two so they don't necessarily, and Mr. Black interjected and said to Mr. Garn why doesn't he check the City of Perrysburg and see what it is, and Mr. Garn said and see what they do. Mr. Garn said and Rossford. He does not think, as he remembers, Middletown Township does not even have permits. Mr. Black said he can't believe that and asked him if he was sure about that. Mr. Garn said well, again, he will check on that again, but at one point they, and some of the places really don't. Mr. Black asked him well, if he has time between now and their next meeting, if he would check certainly Rossford and Perrysburg, and Mr. Garn

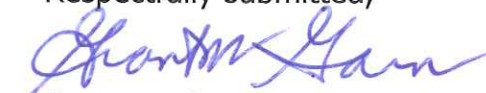
said yes, right. Just see what they do, and Mr. Black said and see what they do. And that may be a template that they can use for their own, and then put it on a list.

A member asked are these recently installed, and Mr. Garn said no, it's more that the zoning inspector is now spending a lot more time out taking care of things. As a matter of fact, the one, the individual is quite distraught because they have a dwelling next door which is maybe not the nicest place to live next door to, and they just put one up to sort of shield it, and that was okay. Now the next door is looking somewhat better, but you can imagine situations like that. Mr. Black said okay. Mr. Garn said you know, things happen. That's just why they did it.

Mr. Black said to him why doesn't he come back, if not July, certainly try for the July meeting, if not, the August meeting with recommendations. Mr. Garn said right. Right. Recommendations. Mr. Black said but he thinks he will want to bunch a few of these together before they go through the whole process. Mr. Garn said yes, because he just had another one that came up when he was going through the regulations, and this was something with signage, and he said something, and the person said well, your book said 42 feet, not 42 inches, and he goes oh, and he looked at it again. Mr. Black said you are kidding, and Mr. Garn said oh, no. There are just these little typos that you pick up along the way that got stuck in there, and it could have been from way back 10 years ago, too, just picking up on these odds and ends. You never find them until somebody comes in and they are reading it. Mr. Black said right. Absolutely. Mr. Garn said and they knew what the intention was. But that was boulevard signs and height, and a member said 42 feet, and Mr. Garn said he thinks that's what it said. Mr. Black said that's an interstate highway sign, and Mr. Garn said yeah, or something. He is sure he is a little wrong on that one. Mr. Black said well, he thinks when they are that far off. It was commented you are missing it. Mr. Black said so somebody could really put up a 42 foot sign. Mr. Garn said yeah, they were not about to. They were just looking at the regulations. A member said four stories tall. Mr. Black said that's all right to Mr. Garn.

Mr. Black then asked if there was anything else that any member wanted to discuss this evening, and there was nothing. A member said no, it's 14 feet. Mr. Black asked if there was a motion to adjourn. Mr. Hanna moved with a second by Mr. Kelsey that they adjourn. All members were in favor, and none were opposed. The motion carried and the meeting was adjourned at 6:25 p.m. Mr. Black said thank you to the gentlemen on the commission.

Respectfully submitted,



Grant W. Garn,  
Recording Secretary