

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

ZONING COMMISSION MEETING
December 13, 2010

The Perrysburg Township Zoning Commission held a meeting on December 13, 2010. Mr. Black, Chairman, asked for a roll call. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded.

MEMBERS PRESENT: Robert S. Black, Jeff Schaller, Carol Warnimont, John J. Benavides, and Richard W. Kelsey.

MEMBERS ABSENT: Ronald M. Hanna and Jeffrey Normand.

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

APPROVAL OF THE 9/13/10 MEETING MINUTES: Mr. Black asked if there was a motion to approve their meeting minutes for September 13th of 2010. Ms. Warnimont moved with a second by Mr. Schaller to approve the meeting minutes of September 13th. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Schaller, Mr. Kelsey, Mr. Benavides, and Mr. Black. Motion carried 5-0-0.

APPROVAL OF THE 11/8/10 MEETING MINUTES: Mr. Black asked if there was a motion to approve the minutes from November 8th with the two changes that Ms. Warnimont pointed out, the one at the bottom of page 2 that should be car parts, the very last line on page 2, rather than carpets, and on the top of page 11, the first line, Cedar Creek, as opposed to Cedar Creed. He then asked again if there was a motion to approve the minutes based on those two changes. Mr. Benavides moved with a second by Ms. Warnimont to approve the minutes with the noted changes. A roll call vote was taken. Yes votes by Mr. Benavides, Ms. Warnimont, Mr. Schaller, Mr. Kelsey, and Mr. Black. Motion carried 5-0-0.

Mr. Black said that Mr. Schaller does bring up a good point about the activities going on over at Cedar Creek. He asked if there were any issues over there that need to be addressed. With the trailers over there, is there ongoing construction. Mr. Garn said no. Those he thinks, and he is going to guess, are trailers that they use for transporting equipment to their different sites is the best he can say. Mr. Black said okay. Mr. Garn said it's different. Their ministry is a television ministry. They have two other churches, he thinks one in Whitehouse, and one in North Toledo or West

Toledo. Mr. Black said okay. So nothing that needs his attention. Mr. Garn said he will take a look and see. Of course, they never envisioned growing the way that they have grown, and Mr. Black said right. Mr. Schaller said those probably would be most appropriate at a storage place, and Mr. Garn said a storage place area, and Mr. Schaller said yeah, as opposed to out there. He does not know.

Mr. Garn said their use is advertising he thinks also, because don't they have the big Cedar Creek. Mr. Schaller said he knows the one specifically on the south side of the building, yeah, it has a Cedar Creek sign, and that seems to be kind of oddly positioned, you know, so that it is used for advertising more than other things. Mr. Garn said he should not say, but, you know, with the construction business, a lot of large trailers like that are used on construction sites, too. You know, it's an advertising thing, he thinks. Mr. Black said okay. Thanks. Mr. Garn said you know, park a trailer and leave it there for awhile. Mr. Schaller said he has seen that done before. Mr. Garn said and the advertising is a little different. When he was down in Tennessee, he saw something similar to Wal-Mart where when they opened up here, and they sent around a truck with a big, basically a billboard on the side. Down in Tennessee he saw trucks driving around with rotating billboards, electronic billboards on them. They were not as large as a billboard, but they were, you know, a fair sized truck just driving around town, and it was a revolving billboard. So there are some issues out there.

Mr. Black said there is no one in the audience, so there will be no comments from the public this evening.

Attached please find a copy of the E-mail from Walt Celley and the proposed addition to the text. I recently had an inquiry about internet cafes and have included a proposed addition to the text. Dave Kuhn did a very nice job of working on them. The trustees have copies of both and have continued the public hearing to 12/20/2010. A citizen had some concerns about corner lot setbacks.

Mr. Black said to Mr. Garn the next item on the agenda, he has shared with them two issues, one on the internet café that was recommended by Walt Celley. Mr. Garn said no, actually internet café came up, that was him after having an inquiry for one. And then talking with Dave Kuhn, he thought since the trustees are working on this, just, you know, made something up for them. Mr. Black said oh, it's the waste disposal. Mr. Garn said it's the waste disposal came from Walt Celley. Mr. Black asked him if the trustees are asking them for a recommendation on either one of these. Mr. Garn said they did not, but it would not hurt. Mr. Black said okay.

Mr. Black said well, he thinks the waste disposal is a good point, and Mr. Celley has mentioned that they have done it at what, Waterville Township. He asked if any of the commission members have any comments on waste disposal. Mr. Benavides said the only question he has is how does this affect a compost pile. Mr. Black said a residential, and Mr. Benavides said a residential area. Ms. Warnimont said she thought

that was supposed to be excluded, and Mr. Benavides said he thought so, too. Ms. Warnimont said reading the minutes and that, she thought residential compost was supposed to be excluded from that. That it was not going to be part of the zoning. It was going to be in there, but it was going to be excluded. Mr. Black deferred to Mr. Garn. Mr. Garn said right. So he will take that up with Mr. Celley. Mr. Black said okay. Other than that, he said the commission members would concur, and they indicated they would. Mr. Black asked if there was a motion to pass that recommendation along to the trustees that waste disposal be included in the resolution subject to a residential exception.

Mr. Schaller then interjected and said he was just curious. So a farmer spreading manure on his property. He asked if that was an issue. And then probably a bigger thing that he has heard from time to time is when they take the waste, the sludge from Bowling Green, and they spread it on fields, he knows one farmer around here does that, and the neighbors get quite upset about that. They would not be allowed to do that, or would they have to get a permit. Mr. Black said well, according to this, it would not be permitted, and he asked Mr. Garn if that was right. Mr. Garn said so he will take that up with Mr. Celley, because he does not know if he envisioned that. He knows the Kazmaiers, he believes, farm. Mr. Schaller said yep. Yeah. Mr. Garn said and gets the waste from the Perrysburg waste disposal facility, sort of the sewage treatment, and Mr. Schaller said yeah, from Wood County. Ms. Warnimont said well, they put turkey manure on their garden. Would that be a part of this, animal waste. Is that anything that that would be a part of this. Mr. Black said well, certainly the intent is to limit the large scale use of it, and Mr. Schaller said on a larger scale, yeah. Ms. Warnimont said right. Right. Yeah. Mr. Black said he would not think so. He said which Mr. Schaller did bring up a good example about the farmers that do spread some of that. He said that is what it's supposed to exempt. And that's something that his guess is needs to bring up to the trustees and see if they want it.

Mr. Garn said one of the other things, just overall waste disposal, that he has always envisioned coming up is that the unzoned area, that Oregon Road, which is a major artery, heavily traveled. That's built for heavy truck traffic, and Oregon Road goes right into the unzoned area. And the landfill that's in Northwood is probably not going to expand anymore, and he does not know about any others, but he could envision someone doing something. Mr. Black said of course, that would not affect it here anyway because it's only the zoned area. Mr. Garn said right. That's right. But he was just saying that that's something that may happen in the unzoned area, you know.

Mr. Black asked if they wanted to pass along a formal recommendation on this waste disposal. Mr. Schaller said he guesses it would be okay with, you know, points to consider. Mr. Black said it's only a recommendation. The trustees are going to make the ultimate decision. He thinks it's a good idea. He said he will make a motion that they pass this recommendation on waste disposal on to the trustees, and he asked if there was a second. Mr. Garn said now this will be that they look into residential

composting, and farmers spreading the manure, and Mr. Black said yes, and agricultural use, and Mr. Garn said right. Mr. Schaller was the second on the motion. Mr. Black asked if there were any other comments, and there were none. A roll call vote was taken. Yes votes by Mr. Black, Mr. Schaller, Ms. Warnimont, Mr. Kelsey, and Mr. Benavides. Motion carried 5-0-0.

Mr. Black said the next item on the agenda is the internet café. He said the recommendation here is what Mr. Kuhn put together from looking at other text, and Mr. Garn said uh-huh. Yes. Looking at some other things. He said what internet cafes started as being, and what they are now are possibly two different things. Mr. Black said what zoning, and do they have a definition of it, but what zoning classifications would they be in. Mr. Garn said that would be a conditional use. Mr. Black said in all, and Mr. Garn said no, just in C-3 and industrial, I-1 and I-2. Mr. Black said C-3 and, and Mr. Garn said I-1. Mr. Black said those would be the only permitted, and Mr. Garn said well, not permitted, it would be conditional use. Mr. Black said but he means those are the only ones, and Mr. Garn said ones that they could apply for, theoretically. Mr. Black said C-3. Okay. Okay. He asked if anyone had any comments.

Ms. Warnimont said well, you know, they don't have food in this café. Mr. Garn said no, it's not a food café. Ms. Warnimont said it's not a food at all. Okay. Okay. Mr. Garn said no, there is one of the other, not in Ohio, he thinks it was another state that some zoning department issued a permit thinking it was like a Starbucks or something like that, and then when they found out what it was, they rescinded and sort of threw it out. There are some states that are looking at outlawing them completely in their states. Mr. Schaller said but it may serve food, but that's not their sole purpose, and Mr. Garn said right. It really started out it would be what he would think would be similar today to the public library where they have a number of computers, you can go in and get on line. Mr. Black said well, it's interesting, does this definition include just wireless access. There are a lot of places that just have wireless access. Mr. Schaller said well, it says internet access. That does not necessarily mean wireless. Well, local area, not working, and wireless. Ms. Warnimont said but if a café, a restaurant type thing wanted to come in, and they also provided that, could they keep them from putting it in. Mr. Schaller said but doesn't Panera provide that right now, and Ms. Warnimont said she does not know. Mr. Black said yeah. He would not really consider Panera an internet café, though. And maybe by this definition it would be one. Mr. Garn said well, they, you know, have to read this. These establishments provide all the terminals. Panera and those places don't provide any terminals. Mr. Black said he agrees, but by this definition, does something more specific have to be said.

Mr. Benavides said excuse me. He said do they define entertainment facility, and Mr. Garn said yes, they do. Mr. Benavides said is that here, and Mr. Garn said yes. Mr. Benavides said oh, yeah, it is. Mr. Garn said and that really was to put this in with entertainment facilities. Mr. Benavides said so a Panera, or a restaurant, or a coffee house would not fall under an entertainment facility, and Mr. Garn said no. It was

asked does serving food put them in a different classification even if they give it away. It says here a lot of cafes give it away and encourage people to come. Mr. Garn said that's just to use the internet, but you bring your own computer. These are places where you are renting time on their computer. The member said well, he guesses does the food thing create any difference.

Mr. Benavides said is the objection here to gambling. He asked if that is what the problem is. Mr. Black said that's the impression he gets. Mr. Garn said what he does not understand is just gamble at home on your computer. Ms. Warnimont said why do you have to go to a café to do this. A member said they will give you a free hot dog. Mr. Garn said 24 hour a day operations. Mr. Black said it's like a definition within a definition, isn't it. You know, when you say the entertainment facility. Mr. Benavides said a lot of gambling is you can't gamble. Like you can't buy lottery tickets, for example, you can't buy lottery tickets over the internet or by mail currently. So a lot of gambling is illegal. Mr. Black said but a lot of gambling is done on the web. They have gambling sites. It was commented right. Mr. Benavides said what's the difference between this and buying a lotto ticket. The specific example that he talked about here where you go in, and Mr. Black interjected and said in the news article, he means, and Mr. Benavides said yeah, it's a sweepstakes, and you buy this. Mr. Black said he didn't actually understand how it worked, to be honest. Mr. Benavides said right. You get multiple chances at a cash prize up to \$5,000.00. Well, the State of Ohio will pay a lot more than that to buy a ticket. Mr. Black said you know, that's true. It was commented you buy a phone card, and Mr. Black said yeah, a phone card. Mr. Benavides said so what's the problem. Mr. Schaller said it's probably unregulated, he supposes. He does not know. So rather than people going to the new casino, they can go here, and sit down at the computer, and gamble until they're—maybe they don't. Who knows. Collecting taxes. Mr. Benavides said what did Judge Gorman say that he allowed it. He guesses they don't have the benefit of the full explanation here of why he thought it was okay.

Mr. Black said well, he thinks it's worth sending a recommendation on to the trustees, because he does think it's a new area that they don't have in their code that should be addressed. Mr. Schaller said and all they are going to do is make it a conditional use. People can still, and Mr. Black said right. Exactly. Mr. Schaller said yeah, he would agree. Mr. Black asked if there was a motion to pass along this internet café definition, and the additional input under entertainment facility that internet café be included as an entertainment facility. Mr. Schaller said he would so move, and Ms. Warnimont said she would second it. Mr. Black asked if there was any other discussion on this, and there was none. A roll call vote was taken. Yes votes by Mr. Schaller, Ms. Warnimont, Mr. Kelsey, Mr. Benavides, and Mr. Black. Motion carried 5-0-0.

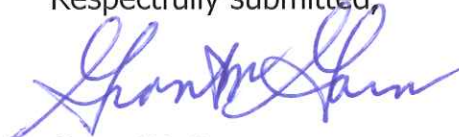
Mr. Black said and that's continued until next Monday is when they meet, and Mr. Garn said yes, and they may have another continuation, you know, with this waste disposal. And, you know, they have not been very, and he does not want to say real anxious, but

they are taking their time going through this, but this last time they really just didn't, they just said they are going to continue it again for two more weeks. Mr. Black asked are they having a department head meeting before that, and Mr. Garn said no, no, they had evaluations today instead of that. Mr. Black asked him if he would pass along to Mr. Celley that they made a recommendation, and let Mr. Hrosko know that they made those two recommendations, and Mr. Garn said right.

Mr. Black asked if there was anything else they wanted to talk about. Ms. Warnimont said what was the question somebody had about the corner lot. Mr. Garn said oh, that was just, there was an individual that had come in a few months ago that wants to do a lot split, or did. And just because corner lots, the way that they are doing them now with a back yard, makes the building envelopes with more possibilities. And a lot of the old subdivisions were done before that had, they will call them smaller sized corner lots because they knew there were two side yards involved. And now this will maybe reconfigure some of the corner lots. Mr. Black said well, they are still going to come into the BZA with that, and Mr. Garn said correct. Correct. That's the feeling on that one. Mr. Black said it's not as though they are precluded from doing it, they just have another step. Mr. Garn said right, and that individual understands that he really needs to eventually go before the board of appeals for those issues. But at least there was someone out there that stepped forward and had a concern about something instead of just mosing right through. It's good that the public was paying attention.

Mr. Black asked if there was anything else that anybody wanted to talk about, and there was nothing. He asked if there was a motion to adjourn. Mr. Benavides moved with a second by Mr. Schaller to adjourn. All members were in favor, and none were opposed. The motion carried. The meeting was adjourned at 6:20 p.m. Mr. Black said Merry Christmas and Happy New Year to everyone. 2011 when they get together next. Golly, where did this year go, or this decade.

Respectfully submitted,



Grant W. Garn,
Recording Secretary