



Zoning Commission Meeting Minutes
April 14, 2014 6:00 p.m.

Mr. Black, Chairman, opened the meeting and asked Mrs. Hemminger to take a roll call.

Members present: Mr. Black, Mr. Schaller, Mr. Kelsey, and Mr. Hanna, aMrs. Warnimont, and Mr. Benavides

Members absent: Mr. Normand

Mr. Black asked for a motion to approve the agenda for April 14, 2014. ***Mr. Kelsey made a motion, to approve the agenda, with Mr. Schaller seconding the motion.*** Mr. Black asked Mrs. Hemminger to take a vote on that motion. *YES- Mr. Kelsey, Mr. Schaller, Mrs. Warnimont, Mr. Hanna, and Mr. Black. Motion carried.*

Mr. Black asked for a motion to approve the meeting minutes from the March 10, 2014 meeting. ***Mrs. Warnimont made a motion, to approve the minutes, with Mr. Kelsey seconding the motion.*** Mr. Black asked Mrs. Hemminger to take a roll call vote on that motion *YES- Mrs. Warnimont, Mr. Kelsey, Mr. Schaller, and Mr. Black ABSTAIN: Mr. Hanna. Motion carried.*

Mr. Black moved to the next item on the agenda, Zoning Change Application (ZC 2014-01): Danberry National LTD., on behalf of Carol Brossia Stephens, Trustee, has submitted an application to rezone five (5) parcels of land within Perrysburg Township. The parcels are located within Section 26 (P57-300-260301015000), Section 27 (P57-300-270401012000), Section 34 (P57-300-340201001000), and Section 35 (P57-300-350101001000 and P57-300-350101003000) of Perrysburg Township. The property is located approximately one quarter of a mile north of Mandell Road, east of Interstate 75, west of Glenwood Road, and south of the City of Rossford. The applicants are requesting to rezone approximately 94.07 acres of land from A-1 Agricultural to I-2 General Industrial.

Mr. Black asked all those who wish to make comments to stand and take an oath.

Next, Mr. Brian McMahon, Danberry National, LTD spoke on behalf of the applicants. He stated the proposed parcels for rezoning are contiguous to property around the Buck Road interchange. There are a number of instances where this land has been too small for companies. The request for rezoning is the first in a long line of steps. Mr. McMahon stated there was no end use for this property but is talking to many companies. Mr. McMahon discussed how many companies only consider zoned properties for development. He went on to discuss how this rezoning would be consistent and compatible with near properties.

Mr. Black commented to the audience that the Zoning Commission only makes a recommendation to the Board of Trustees and their decision is the final one. He then

opened the floor for any public comments.

Ms. Robin Fuller, 29461 Lime City, posed a question to Mr. McMahon. She asked what happens to the homeowners with 1.2 acre lots. Mr. McMahon stated that he was not an attorney but he believes that rezoning doesn't change anything for tax purposes. He went on to say that this family has owned the property in question for decades. It is not uncommon for families to want to sell and get the greatest value for their property. He went into detail about the Crossroads area. Mr. McMahon stated that the greatest challenge are those on Lime City Road with 1-5 acres of property as Ms. Fuller mentioned. Dealing with these smaller property owners will happen when a use is determined. The unknown company may want to buy adjacent residential properties for various reasons. Mr. McMahon stated they are not going to market to some kind of offensive use and not manufacturing.

Mr. Philip Cramer, 29219 Lime City, stated that Mr. McMahon doesn't envision manufacturing but Mr. Cramer goes on to list things that could happen. He discussed how with an industrial use this could lead to more truck traffic. He mentioned the small right of way on Lime City Road and how more dangerous it could be to drive along. He discussed the Perrysburg Township Master Plan from 2010 and how that illustrates these parcels are intended to be residential. An industrial use would be a deviation from the Master Plan. Finally Mr. Cramer stated that there are numerous other vacant I-2 properties in Perrysburg Township and there is no need to rezone the parcels in question.

Ms. Anna Stewart, 29392 Lime City, stated she and her husband are newer to the area but she still felt compelled to come. She is an educator and her discussion focused on Glenwood School and Penta Career Center. She highlighted the importance of safety and safety of children traveling to and from school. She mentioned the Rossford Athletic fields and rezoning these parcels for industrial use can put these kids at risk when traveling down the road. She stated there are plenty of other properties for industrial use and that these proposed parcels should be residential.

Mr. Richard Hens, 29600 Glenwood, stated he has lived on Glenwood Road for 27 years. For all those 27 years these parcels have been for sale. He discussed how the topic of selling these parcels is always on the table but nothing comes of it. He went on to discuss the traffic on Lime City Road and Glenwood Road both are "death traps" and truck drivers are "idiots". Mr. Hens mentioned many accidents occur on Glenwood Road and this would further the amount of accidents. He stated there has been discussion of what it will do to property on Lime City but what about the properties on Glenwood?

Mr. Black asked Mr. McMahon about the Perrysburg Township Master Plan and how parts of the proposed rezoning do not follow it. Mr. McMahon stated there could be conversations with the Township about this and landowners could be included.

Mr. McMahon then referenced some of the questions posed by residents. He stated that yes there are many properties for sale in Wood County but the reality is there is little industrial land with such good access to I-75. He then touched about the traffic questions. He stated that the Ohio Department of Transportation would have to come out in anticipation of this

growth and make decisions.

Mr. Jeff Gochenour, 29202 Lime City Road, stated his main concern was his property value which is already decreased by 40%.

Ms. Anne Cowens, 29582 Glenwood Road, read a litany of issues on Glenwood Road which include: high traffic, vehicles tailgating each other, and almost daily never miss accidents. These issues would only increase with an industrial use. She went into detail about how she hopes that government/corporate greed does not supersede residents' concerns.

Mr. Fred Giaino, 29110 Lime City Road, spoke about how he has lived on Lime City Road his whole life. He referenced the Home Depot project in Troy Township and how he has yet to hear one positive from the residents who live around that.

Mr. Shawn Fosgate, 28950 Lime City Road, stated he is a Ohio State Trooper from the Toledo Post. He stated the highest speed he has clocked on Lime City Road was 82 miles per hour. He believes most people are cutting through when driving along Lime City Road. He knows that adhering to weight restrictions is not done by many truck drivers who drive along this road. He strongly believes rezoning to industrial will be a safety hazard for the area.

Ms. Rose Mary Cooper, 29810 Lime City Road, asked a friend who is a former planner to review the proposed rezoning and offer his thoughts. She read the following:

Perrysburg Township had the wisdom to enact a future land use plan in 2010. That is the applicable planning document, not the Wood County plan. Local planning is more focused and accurate on local needs as it is more closely focused. Zoning is the tool to implement the plan. The plan does not call for Industrial uses, but medium density housing! This request does not comply with the applicable, local plan.

To deviate from a plan, the burden is on the applicant. There are two reasons to deviate from the plan: either the plan was wrong or conditions have changed. Neither apply in this case.

Zoning is to protect the community and provide for orderly growth of a community. The term "highest and best use" is a real estate term not applicable to zoning decisions. Zoning does not make decisions on the highest value to any individual owner or property, but for the good of the community as a whole and a specific focus on the immediate area.

Zoning decisions are not made on a specific end user, none are specified in the request, but are made based on all the potential uses in the proposed category. In this case, I-2.

One question the Commission will ask and answer is: are there other sites currently available where the uses in the proposed District can be placed? The answer, in this case, is yes. There exists an abundance of available sites in the same general area where those uses can locate with equal or greater access. Some of the sites may have utilities available, but time did not allow a complete investigation. Having other sites currently available is a reason to follow the plan and grow the Township as projected by the current plan.

Another question the Commission will look at answering is how does the proposed users impact the surrounding existing neighbors?

While Perryburg Township has access management in the site plan review, it is probable that a subdivision will have to be approved to develop the site. As Ohio does not grant a Township the ability to establish Subdivision Regulations, Wood County will likely determine the location of the access points for future public streets within the subdivision. Opening or widening a public street, and end users will desire public streets in the development, triggers County Subdivision Regulations removing access control from Perrysburg Township.

It is desirable to have at least two access points into a site for proper delivery of emergency services. Even if primary access could be from Glendale, an access from Lime City Road would be desirable from a safety standpoint. Utilities also need to be "looped" as dead end lines are always problematic. That can be done by easement, but as utilities are planned ahead, most of the time they are in a street right-of-way, not an easement - relocation costs are avoidable when in public street right-of-ways.

The functional classification of Lime City Road could not be determined from the Wood County Planning Office. The Office could not locate a copy of the current transportation plan.

With the proposed Classification, it is highly likely that there will be truck traffic, based on the uses in the proposed District. There will be impacts on Lime City Road with heavy trucks, in volume, traveling Lime City Road:

- 1. Widening the road will be expensive due to the cost of the additional property required. The existing ditch will have to be relocated, in accordance with Federal Rules, and the former ditch filled and compacted. This applies at both ends of the road as well as much of the length. Ohio grants a wide ditch easement, by law, so that the ditches can be cleaned and serviced. The easement is thirty-five feet from the top of each bank, then you have the ditch itself! This would be a huge expense. The days of simple enclosures are long gone - it adds huge costs to projects - I know from experience with this very issue.*
- 2. Even the long proposed roundabout at Buck Road will be enormously expensive. While engineering plans have not been reviewed, if Federal Funds are used, there exists the potential expense to purchase and relocate existing businesses will make the project difficult.*
- 3. The location of existing homes along Lime City, south of Mandel, limits the ability to widen the Road significantly even if the ditch did not currently exist.*
- 4. Lime City Road needs improvement currently. The need for improvement at Buck Road is well documented by the proposed roundabout. I know you have regularly attempted to turn south onto Lime City or into McDonald's while eastbound on Buck, you know those access points are in terrible locations. Perhaps a signal is warranted.*

Traffic studies were not reviewed. There are peak traffic generators at all the current intersections. Penta/Owens certainly are peak trip generators that obviously impact the Buck Road intersection and improvements are necessary there.

Cedar Creek Church impacts all three intersections at their peak hours, but these are not at prime times.

The existing elementary school impacts the intersection with SR 795 at peak hours as well. The intersection of Lime City and 795 could be improved currently. A dedicated left turn on 795 seems apparent.

The Rossford Schools propose to ultimately relocate to their site near the 795 intersection. When this will occur apparently is a funding question. However, Ohio Law allows them do this project without zoning approval if they chose to not submit to the Township. Certainly, that future traffic generated from that use will impact Lime City Road and all the intersections between 795 and Buck Road.

The realtor's site pamphlet mentions access to I-75. While this is true, Lime City Road, either from 795 or Buck Road is likely. Traffic volume on Lime City will increase. A single-family house generates 7 trip ends per day per house (one directional movement), but the type of traffic for an industrial side, while probably less, has a greater impact of the roadway physically. In other words, truck traffic.

The physical condition of Lime City Road is also a factor. When industrial pavements, arterials and collector streets are designed, a heavy base and pavement are designed into the project. Speculation is that Lime City Road was not designed to carry volumes of truck traffic and the resulting potential impacts on existing pavement.

In summary, an Industrial development fronting on Lime City Road is not appropriate. The Perrysburg Township Plan is correct in the projected use of the property.

Industrial land uses typically have boundaries that are centerlines of road, railroad tracks, streams, etc. Industrial users are not good neighbors to either retail or residential. They are best located in an industrial or business park, where the adjacent uses are offices and other industrial uses when hours of operation, lighting, outside storage, and noise do not impact adjacent land uses.

In the 1940's and 1950's workers liked to live near their work place. It was a manufacturing economy at that time. Today, most people do not desire to live in proximity to anything other than residential uses as that protects their property values. The uses in the I 2 District are not compatible with the predominant adjacent land uses. Not approving this request serves to accomplish one of the goals of planning and zoning practice: protecting the value of people's property. The current plan and existing zoning, as well as the future land use proposed in the plan, serve to meet this objective. There is no error in the plan or the current zoning. There is no reason to change the plan or the zoning classification as requested.

There is no reason to approve the request and all logic points to denying the request as it does not meet the burden of proof.

Mrs. Sharon Belkofer, 9229 Mandell Road, stated she has lived on Mandell Road for 44 years and has watched the neighborhood take care of itself. She doesn't think that this is being taken into consideration and just thinking of financial gains. She stated that many times value is dependent on curb value and industrial use will not help this.

Mr. Mark Gozdowski, 29058 Lime City, discussed capitalism and how he understands the family's wish to sell their property. However, if this proposed rezoning were to go through he hopes that there will be much thought on tax abatements. He is a small business owner and no one gave him tax abatement but if an industrial use comes in more taxes may be hacked onto the properties to compensate.

As there were no more public comments, Mr. Black asked for a motion. ***Mrs. Warnimont moved to approve Zoning Change Application, ZC 2014-01, with Mr. Black seconding the motion.*** Mr. Black asked Mrs. Hemminger to take a roll call vote on that motion. *NO- Mrs. Warnimont, Mr. Black, Mr. Schaller, Mr. Kelsey, Mr. Hanna. Motion denied.*

Mr. Black stated that the application was denied and now will go to the Board of Trustees for review.

Mr. Black moved to the next item on the agenda: 2014 Zoning Initiative. The Board of Trustees of Perrysburg Township has adopted Resolution 2014-01 declaring its intention to proceed under Sections 519.02 to 519.25 of the Revised Code, upon its own initiative, in accordance with RC 519.03. On March 10, 2014 Zoning Commission members reviewed the plan, including both text and maps, and forward to the Wood County Planning Commission for recommendation of approval, disapproval, or suggestions. On April 1, 2014 the Wood County Planning Commission reviewed the plan, both text and map, and recommended approval. The Board of Trustees will hold their first public hearing on Wednesday, May 7, 2014 at 6:00pm. Mr. Black asked for a motion to certify the plan. ***Mr. Hanna moved to certify the plan, with Mr. Kelsey seconding the motion.*** Mr. Black asked Mrs. Hemminger to take a roll call vote on that motion. *YES: Mr. Hanna, Mr. Kelsey, Mr. Schaller, Mrs. Warnimont, and Mr. Black. Motion Carried.*

Mrs. Hemminger then presented the Zoning Report for March 2014. There were 17 total permits issued totaling \$1,565.

Mr. Black asked if there was a motion to adjourn the meeting. ***Mr. Schaller made a motion to adjourn, with Mr. Hanna seconding the motion.*** Mr. Black asked all those in favor to say aye. All members present said aye. Motion carried.

Respectfully submitted,
Rosanna Violi