

## PERKINS TOWNSHIP ZONING COMMISSION MEETING

Held By: Perkins Township Zoning Commission  
Place: Perkins Township Complex, 5420 Milan Road  
Date: September 8<sup>th</sup>, 2008  
Time: 7:00 P.M.  
Appl.# ZC2008-0003 (continuation hearing)

Board Members Present: Jerry Baumgardner, Chairperson  
William Spence  
Kula Hoty Lynch  
Cheryl Best-Wilke  
Matthew Lesch, Alternate  
James Lamb, Clerk

Board Members Absent: James Laws

Mr. Baumgardner opened the public hearing and welcomed everyone and asked everyone to stand and say the pledge of allegiance.

Will Spence made a motion to reopen the public hearing that was tabled at the July 14, 2008 public hearing. Cheryl Best-Wilke seconded the motion. Roll call vote: Mr. Spence, yes; Mrs. Wilke, yes; Mrs. Lynch, yes; Mr. Lesch, yes; Mr. Baumgardner, yes. Motion passed. The hearing was reopened.

Mr. Baumgardner stated that this is a continuation of July 14<sup>th</sup>, 2008 public hearing on application ZC2008-0003 requesting a zoning change from R-1A to a PUD on 21.3460 acres of the 32 acres of vacant land owned by Don Corcelli and located south of Birchwood Drive and north of State Route 2.

Mike Taus Birchwood LLC now owns the property instead of Don Corcelli.

Mr. Lamb noted that he had received one piece of correspondence from the Perkins Township Fire Marshall that the Fire Department had no objections to the scope of the project.

Mr. Lamb introduced Mr. John Kocher, Attorney at Law, 101 ½ Madison Street, Port Clinton, Ohio 43452 and Mr. Dean Fredericks, D Frederick & Associates, LLC, 5109 North Summit Street, Toledo, Ohio 43611 who were representing Mr. Mike Taus and made the presentation to the Zoning Commission.

Mr. Kocher thanked the Commission for the opportunity to address them. He stated that they had listened to the comments made before the Commission at their hearing on May the 12<sup>th</sup>, 2008 and have redesign the project to comply with the comments made at that meeting. He also reminded the Commission that the hearing was a land use hearing and not an engineering meeting He then introduced Mr. Dean Frederick who explained the project.

Mr. Frederick explained the project and how it would be built in phases. He explained the drainage, storm water run off, sanitary sewer, road construction, type of homes that would be built and access to the project. He explained that they had several meeting with the Erie County Engineers Office discussing drainage and access. He explained that they had submitted drainage plans to Mr. Ken Fortney, Drainage Supervisor, Erie County Engineers Office, seeking their approval. He explained their drainage plan and how it exceeded the requirements set forth by the Erie County Engineers Office. He also explained about their access requirement and how their access to Pennsylvania Avenue, meet the requirements of the County Engineer Office, and that Matt Rogers Project Engineer has provided a letter stating that they have no objections to the access concept as proposed. Mr. Frederick stated that they have also meet with the Township Fire Department and Street Maintenance Department and that they have no objections to the project as proposed.

Mr. Kocher stated that they have met all the requirement of the zoning resolution plus all the comments from the prior hearings. He stated that this being a PUD the developer has to build exactly as they have submitted which gives a lot more control to the Township than a straight subdivision. He said that a planned unit development allows for more open space than a regular subdivision does. He said that at the May 12<sup>th</sup> meeting he had reviewed with the Commission the entire zoning requirement for a PUD and that this plan does not differ from that. He stated that they did present to the Commission another drawing that show about thirty percent of the project will be open space. He stated that the density is below the three units per acre that is recommend by the Perkins Township Comprehensive Plan. Mr. Kocher stated that if there was a five-year storm or event the storm water would drain for the undeveloped property into Sulfur Brook Creek in one to two hours. If there were a five-year storm or event the storm water drainage from their developed property into Sulfur Brook Creek would take 24 hours. Mr. Kocher stated that with their design there would be two access points. One would be down Pennsylvania Avenue to Columbus Avenue and the other would be down Michigan Avenue to Virginia and then to Linden Way to Columbus Avenue.

Mrs. Lynch asked if under the current zoning how many homes could be built? Mr. Kocher said that they have a preliminary subdivision plan approved for seventy units. Mrs. Lynch said that this plan is actually less density than what could be built under current zoning. Mr. Kocher said yes.

Mrs. Wilke asked if the property were developed with seventy units would the area just south of Birchwood have to be developed that under the PUD plan is not being

developed? Mr. Frederick said that the subdivision plan had eight or nine units in the area just south of Birchwood.

Mrs. Wilke asked if all the utilities would be underground? Mr. Frederick said yes.

Mrs. Wilke asked where the sanitary sewer line was going to come from? Mr. Frederick said that the sanitary sewer would connect to Birchwood Drive through Mr. Taus's property.

Mrs. Wilke asked if they were going to offer more floor plans than was represented on the plans? Mr. Taus said that they keep the floor plans the same as was on the original plan.

Mr. Baumgardner asked if the stub street that was shown on the plan coming off of the public road portion was there because of the subdivision requirements? Mr. Frederick said yes.

Mr. Baumgardner opened the hearing up to the public asking for comment in favor of or opposed to the zoning Change.

The following people spoke in opposition to the zoning change citing traffic concerns, drainage concern, changing the character of the neighborhood, and the lowering of property values:

Ruth Lowery, 203 Birchwood Drive  
Charles Vaughn, 1005 Birchwood Drive  
Cheryl Wagner, 1012 Birchwood Drive  
Ken Berlin, 512 Pennsylvania Avenue  
Dick Wagner, 1012 Birchwood  
Tom Whaley, 514 Pennsylvania Avenue  
Eugene Lenhart, 41111 Columbus Avenue  
Debbie Voight, 513 Michigan Avenue  
Evelyn Lynn, 318 Michigan Avenue  
Tracy Carrozzino, 113 Birchwood Drive  
Kao Hua Chen, 917 Birchwood Drive  
Monica Collins, 319 Pennsylvania Avenue  
Terry Volz, 503 Pennsylvania Avenue  
Bradley Castle, 517 Pennsylvania Avenue  
Lezlie Whaley, 514 Pennsylvania Avenue  
Garriel Ferencz, 719 Birchwood Drive  
Cheryl, Miller 505 Birchwood Drive  
Liane Hiss, 715 Birchwood Drive  
Peter Zeiher, 510 Pennsylvania Avenue

Mr. Spence moved to close the public hearing and to open the public meeting. Mrs. Lynch seconded the motion. Roll call vote: Mr. Spence, yes; Mrs. Lynch, yes; Mr.

Wilke, yes; Mr. Lesch, yes; Mr. Baumgardner, yes. Motion passed. The public hearing was closed and the public meeting was opened.

Mrs. Lynch said that Mr. Taus has a right to develop his property under R-1A standards. The density would be about the same as he is requesting in the PUD. To her it was a matter of whether you let him develop and build whatever he wants or do you want to take control of the development under the PUD and know how many units there would be and what they would look like.

Mr. Spence asked what the lot size and density would be under a R-1A subdivision? Mr. Lamb said that the minimum lot size in an R-1A district is 11,205 square feet with a minimum lot frontage of seventy-five feet.

Mrs. Wilke said that she attended a Erie Regional Planning Commission meeting a few years ago that had approve a subdivision plan for this property and it contained seventy lots

Mr. Spence said that a PUD would give control to the Township on the development as far as what kind of homes would be built and the engineering as related to drainage and road construction.

There was a general discussion on the original plans for Leisure estates and access roads to Campbell Street.

Mrs. Lynch asked if the property was developed under the R-1A standard would the requirements for storm water run off, drainage and sanitary sewer be the same? Mr. Frederick stated that the only difference is the roads would be public instead of private.

Mrs. Lynch stated that the only difference to her would be the density.

Mr. Lesch stated that the developer has answered all the question on drainage and road construction. The only question is traffic flow.

Mr. Baumgardner stated that they are going to develop the property whether it is single family or condominium. He stated that the problems that he had with the initial plan the developer has answered. The only problem he has is public verse private streets.

Mrs. Wilke asked the difference between a public street and a private street? Mr. Lamb one of the differences is the right of way. A public street requires a sixty-foot right of way a private street does not.

There was a general discussion about private versus public road construction.

Mr. Mathew Lesch move to recommend to the Trustees that the zoning change from R-1A (single family) to a PUD (planned unit development) be approved.

Mrs. Kula Lynch seconded the motion.

Discussion on the motion suggested that the motion include a provision that Sulfur Brook Creek be put on the Erie County ditch maintenance program.

Mr. Lesch amended his motion to include putting Sulfur Brook Creek on the Erie County Ditch Maintenance program.

Mrs. Lynch amended her second.

Roll call vote on the motion: Mr. Lesch, yes; Mrs. Lynch, yes; Mr. Spence, no; Mrs. Wilke abstained; Mr. Baumgardner, no. The vote on the motion was a tie vote. Two voted for the motion, two voted against the motion and one abstained.

After much discussion Mr. Baumgardner said that it was the opinion of the Zoning Commission that a tie vote was a denial of the request and the recommendation to the Perkins Township Trustees would be to disapprove the request.

The Clerk shall certify a copy of the recommendations to the Board of Trustees of Perkins Township, Erie County, Ohio.

A motion was made to close the public meeting. All member vote yes. The public meeting was closed.

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Jerry Baumgardner, Chairman

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James C. Lamb, Secretary