

**Wood County Planning Commission**  
**August 9, 2011 @ 5:30pm**

The Wood County Planning Commission met in regular session on Tuesday, August 9, 2011 at the County Office Building in Bowling Green. Planning Commission members in attendance were: Anthony Allion, Rob Black, John Brossia, Jim Carter, Patrick Fitzgerald, Raymond Huber, Richard Kohring, Donna Schuerman, and Leslee Thompson. Planning Commission staff in attendance was: David Steiner, Kelly Hemminger and Katie Baltz. 11 guests were also present at the meeting.

Chairman Allion called the meeting to order. Upon calling the meeting to order, Mr. Carter made a motion to approve the July 2011 Planning Commission meeting minutes. Mrs. Thompson seconded the motion and Commission members responded in full support (Mr. Huber and Mr. Black abstained).

**TROY TOWNSHIP - ZONING**

William O. Rentz submitted an application to rezone approximately one acre of land in Troy Township from an A-1 Agricultural zoning classification to a C-1 Neighborhood Commercial zoning classification. The purpose of this request is that the applicant desired to move his wood burning stove business from the Village of Pemberville to the subject parcel in Troy Township. In order for the proposed end use to comply with the current Troy Township Zoning Resolution, the property needed to be zoned C-1 Neighborhood Commercial.

Mr. Steiner began his review and discussion of the item and stated that the property was located in the northeast quarter of Section 26 in Troy Township. Mr. Steiner reported that the property was located at the northwest corner of State Route 582 (Middleton Pike) and Bradner Road, approximately one half mile north of Devil's Hole Road, one mile east of Pemberville Road, and one mile west of State Route 23 (Fostoria Road). Mr. Steiner reported the property was currently zoned A-1 Agricultural and stated that lands to the north, south, and west were also zoned A-1 Agricultural. Mr. Steiner reported that lands to the east were zoned C-1 Neighborhood Commercial. Mr. Steiner stated that the Wood County Comprehensive Land Use Plan had identified the area as an Urban – Small Town Expansion Area and reported that no environmental constraints such as floodplain or wetlands were associated with the property. Mr. Steiner noted that public utilities were not available to the property.

Mr. Steiner stated that the applicant currently owned and operated a wood burning stove business in the Village of Pemberville, but wished to relocate the business to the property in question. Mr. Steiner informed Planning Commission members that the property was currently being used for residential purposes and reported that the applicant would like to utilize an existing accessory building for his business. Mr. Steiner stated that the proposed end use was permitted under a C-1 Neighborhood Commercial zoning classification as "Neighborhood Retail" type of enterprise.

When the item was turned over to Planning Commission members for review and discussion, Chairman Fitzgerald questioned if there was a long term plan for the immediate area. Mr. Steiner reported that the Wood County Comprehensive Land Use Plan designated the area as an Urban-Small Town Expansion Area and noted the area could see residential and/or commercial growth within the next 10 years as utilities are extended. Ms. Schuerman questioned if the bar and grill was closed across the street from the property in question. Mr. Steiner reported it was open. Ms. Schuerman explained that she believed it was a compatible use with the surrounding commercial uses. Mr. Black questioned if the proposed end use was a retail store or manufacturer. Mr. William Rentz, applicant, indicated the building would be used as a retail store. Mr. Rentz stated that two or three wood burning stoves would be stored on the property and a small office would be utilized for part sales.

When the item was turned over to Planning Commission members for a motion, Mr. Black made a motion to recommend that Troy Township approve the request to rezone the property from A-1 Agricultural to C-1 Neighborhood Commercial. Ms. Schuerman seconded the motion and commission members responded in full support.

#### **LAKE TOWNSHIP – SUBDIVISION**

DMWW Properties, LLC, submitted a final plat entitled “Freedom Estates Plat Two” for final review and approval. The proposed plat consisted of two residential lots covering approximately 1.66 acres of land in Section 12 of Lake Township. The proposed re-plat was granted conditional preliminary approval at the April 2011 Planning Commission meeting.

Mr. Steiner began his review and discussion and stated that Freedom Estates was located at the northeast corner of Bradner Road and North Freedom Drive in Section 12 of Lake Township. Mr. Steiner reported the underlying land of the plat was zoned R-1 Residential and reported that lands to the north, south, and east were zoned R-1 Residential, while lands to the west were zoned R-2 Residential. Mr. Steiner reported the Wood County Comprehensive Land Use Plan had designated the property as Prime Farmland-Rural Countryside; however the areas immediately adjacent to the plat were located in an Urban Infill area. Mr. Steiner reported no wetlands were associated with the plat but noted that a portion of the 100 year floodplain of Ayers Creek was located on the property.

Mr. Steiner gave a brief history of the development and reported that there were numerous problems that needed to be addressed with the plat. Mr. Steiner reported the main issue that needed addressed was ownership of the common areas and detention basin. Mr. Steiner stated other issues that needed clarification included the maintenance of open space and storm drainage, filing of construction plans with the County Engineer, an erroneous legal description, and corrections to the owners certification. Mr. Steiner distributed a letter from Mr. David Meismer, Lake Township Zoning Inspector, outlining several comments on the proposed re-plat of the Freedom Estates Subdivision that needed to be addressed which included use of open space, ownership of Outlot C, as well as floodplain and lot configuration issues.

Mr. Steiner apologized to commission members for unclear direction and recommendation regarding the re-plat, and noted that developments regarding the re-plat were continual throughout the day. Mr. Steiner reported that the Wood County Prosecutor, Wood County Engineer, Wood County Planning Commission, plat owners and their legal representation needed to convene to determine current ownership of the plat, including the open space and detention area. Mr. Steiner recommended that Planning Commission members deny the item or table the item to a later date.

When the item was turned over to Planning Commission members for review and discussion, Chairman Allion questioned if the engineer was aware of the plat concerns. Mr. Brian Retar, engineer, reported that he had been in conversation with Mr. Steiner and Mr. Meismer. Mr. Fitzgerald questioned if it was likely that the development could proceed if the discussion was tabled. Mr. Steiner reported that the Wood County Prosecutor would issue an opinion regarding the process that would need to be followed. Mr. Fitzgerald questioned if the problems could be resolved within 60 days. Mr. Fitzgerald made a motion to table the item for 30 days. Mr. Black seconded the motion.

Before a vote was called, Chairman Allion allowed members of the audience to express their comments and concerns. Mr. Robert Lowe, 5030 Walbridge Road, expressed concerns regarding the grade of the development and flooding. Mr. Tom Davis, 4920 Walbridge Road, reported Ayers Creek was an integral part of his property and stated that he was concerned with flooding. Mr. Randy Saint John, 29876 E. Freedom Drive, stated that the owner's certificate indicated that property owners within Freedom Estates owned an interest in the open space. Mr. Saint John expressed concern regarding the excavating that was occurring on the detention pond and the flooding that may occur as a result. Mr. Mike Kidd, 1987 S. Freedom Drive, reported that he believed his drainage tile was broken as a result of the detention pond work. Mr. Steiner stated that the Lake Township Trustees had issued a stop work order for work on the pond. Mr. Brossia questioned if they were digging out the detention pond. Mr. Steiner reported they were transforming the detention pond into a retention pond. Mr. Black questioned if a retention pond was approved on the original site plan. Mr. Allion reported that a detention pond was approved.

Ms. Schuerman stated that the item should be tabled for 60 days rather than 30 days. Mr. Black questioned what actions could be taken by the Commission members. Mr. Steiner stated the item could be tabled until legal council was consulted, the entire Freedom Estates plat could be re-platted, or the item could be denied and the applicant could resubmit the re-plat.

Mr. Saint John reported that he was concerned about small children being around a wet retention pond and questioned if the Planning Commission would enforce the stop work order. Mr. Allion reported Lake Township issued the orders so they would be enforcing them. Residents questioned where their property lines were and what and where utility easements were. Mr. Allion stated that he would need to review the plat to provide that information. Mr. David Devore, 1988 S. Freedom Drive, questioned if the developers had a

35' utility easement within his property. Mr. Allion reported that work could be done within a utility easement for the retention pond.

Mr. Allion questioned if the project engineer had any comments or questions. Mr. Retar, project manager, reported that if residents didn't want the retention pond on their property, that the project could be redesigned. Mr. Retar reported that the retention pond would improve drainage issues since the retention volume would be increased. Mr. Brossia questioned when the construction on the retention pond began. Mr. Retar reported that the construction commenced after the preliminary re-plat was approved in April 2011. Mr. Allion questioned if the developer had authority to begin construction of not. Mr. Steiner reported the April 2011 approval was a condition preliminary approval of the re-plat of Freedom Estates Plat Two. Mr. Black questioned if a conditional preliminary approval authorized construction to commence. Mr. Steiner reported he would consult with the Wood County Prosecutor regarding when construction could start.

When the item was turned over to Commission members for action on the previous motion, Mr. Carter moved to deny the motion to table the item for 30 days. Mr. Fitzgerald withdrew his motion and Mr. Black seconded. Mr. Carter made a motion to deny the re-plat of Freedom Estates Plat Two. Mrs. Thompson seconded the motion and Planning Commission members responded in full support.

Mr. William Rentz questioned who would be responsible to inspect that the drainage was working properly for residents. Mr. Steiner reported drainage issues were a civil issue. Mr. Allion stated that he believed a conditional preliminary plat approval did not give the developer authority to commence work on the detention/retention pond.

Mr. Black urged enforcement actions to be taken against the developer in regards to the Wood County Subdivision Rules and Regulations. Mr. Black made a motion to request that the Wood County Prosecutor investigate the enforcement issue and authority of the developer to commence work and for them to take action. Mrs. Thompson seconded the motion and Commission members responded in full support. Mr. Steiner reported that he would request an opinion from the Wood County Prosecutor. Mr. Kohring strongly urged Mr. Steiner to keep in contact with Lake Township to make sure that the stop work order was enforced.

#### **DIRECTORS TIME**

Mr. Steiner reported a preliminary meeting was conducted for the Wood County Subdivision Rules and Regulation update. Mr. Steiner reported a model set of regulations that were created by the County Commissioners Association of Ohio (CCAO) would be referenced for the update.

Mr. Steiner told Commission members that his annual review needed to be scheduled. Mr. Steiner reported that Planning Commission staff would also be reviewed.

Mr. Steiner reported that the next Planning Commission meeting was scheduled for

September 6, 2011 at 5:30pm. Mr. Black stated that he would like all meetings to take place in the Wood County Board of Commissioners Hearing Room.

Mr. Huber reported that he had not seen construction plans for Freedom Estates Replat and reported that he believed construction could not commence until construction plans had been reviewed and approved by the Wood County Engineer and filed with the Wood County Recorder.

There being no further discussion, Mr. Black made a motion to adjourn the meeting. Mrs. Thompson seconded the motion and Commission members responded in full support.