

Wood County Planning Commission
August 10, 2010 @ 5:30pm

The Wood County Planning Commission met in regular session on Tuesday, August 10, 2010 at the County Office Building in Bowling Green. Planning Commission members in attendance were: Rob Black, Tim Brown, John Brossia, Jim Carter, Patrick Fitzgerald, Raymond Huber, Donna Schuerman, and Leslee Thompson. Planning Commission staff in attendance was: David Steiner, Kelly Hemminger, and Katie Baltz. 5 guests were present at the meeting.

Vice Chairman Thompson called the meeting to order. Upon calling the meeting to order, Mr. Black made a motion to approve the June 2010 Planning Commission meeting minutes. Ms. Schuerman seconded the motion with Commission members responding in full support.

New Business:

ACTIVITIES REPORT *(June and July 2010)*

Mr. Steiner reported that proposed changes to the Perrysburg Township Zoning Resolution were reviewed and stated that documentation was provided to the Wood County Prosecutors Office for a Bloom Township legal brief. Mr. Steiner stated that the FY10 Community Development Block Grant Formula application was complete and had been submitted to the State of Ohio for review. Mr. Steiner reported that the FY09 Village of West Millgrove sidewalk improvement project had been awarded and reported that Wood County was awarded approximately \$550,000 of FY10 Community Housing Improvement Program (CHIP) grant funding. Mr. Steiner stated that work continued on the Neighborhood Stabilization Program (NSP) and reported that 6 condemned homes had been demolished and stated that 5 more are slated for demolition before the program ended. Mr. Steiner stated that several floodplain complaints were investigated. Mr. Steiner reported that 6 parcel splits totaling approximately 31 acres and 4 parcel combinations totaling approximately 76 acres were completed, and reported that 4 rural address locations were issued.

ZONING – PERRYSBURG TOWNSHIP

Perrysburg Township Trustees concluded a standard update to their current zoning resolution. Changes included the addition of temporary portable storage units as a permitted use, the addition of lot setback diagrams, the creation of Commercial Planned Unit Development (PUD) and Industrial PUD zoning districts, wind turbine language, and an expanded home occupation section. Perrysburg Township submitted the complete resolution for review and approval.

When the item was turned over to Planning Commission members for review and comment, Mr. Huber questioned if the zoning resolution was adopted in 2001. Mr. Carter stated that the resolution predated 2001. Mr. Carter stated that he believed Perrysburg Township had done a good job with the zoning resolution updates. Mr. Brown questioned if action needed to be taken on the zoning issue. Mr. Steiner stated that Planning

Commission members needed to make a recommendation to Perrysburg Township to approve or deny the zoning updates.

There being no further discussion, Mr. Brown made a motion to recommend to Perrysburg Township that they approve the Zoning Resolution updates. Mr. Carter seconded the motion and Commission members responded with a vote of 6 in favor, none opposed, and 1 abstention (Mr. Black).

SUBDIVISION – PERRYSBURG TOWNSHIP

Oravec & Associates submitted a final plat entitled “Woodmont Plat 4” for final review and approval. The plat is the fourth phase of The Woodmont Development in Perrysburg Township and contains a total of 14 single family lots, covering approximately 3.5 acres of land.

Mr. Steiner began his review and stated that the proposed “Woodmont Plat 4” subdivision was part of the larger Woodmont Subdivision, which is located in Road Tract 2 of Perrysburg Township, on Basswood Drive. Mr. Steiner stated that Oakmont Plat 2 was located directly to the west of the plat, Eckel Junction Road was located to the south, State Route 20 (Fremont Pike) was located to the north, and Thompson Road was located to the east. Mr. Steiner reported that the property was currently zoned Planned Unit Development – Residential (PUD-RS), and lands to the north, south, east, and west of the property were also zoned PUD-RS. Mr. Steiner reported that land use in the area was a mixture of commercial and medium density residential. Mr. Steiner reported that no floodplains or wetlands were associated with the property and stated that the Wood County Comprehensive Land Use Plan had designated the area as an Urban-Small Town Expansion Area. Mr. Steiner reported the plat did not incorporate a temporary turnaround at the end of Basswood Drive. Mr. Steiner stated the adjoining land was owned by the developers of Woodmont Subdivision and slated for development. Mr. Steiner recommended that Planning Commission members approve Woodmont Plat 4 based on the preliminary approval that was granted in 2000.

When the item was turned over to Commission members for review and comment, Ms. Schuerman questioned if the development accessed Thompson Road. Mr. Steiner reported that it did. Mr. Brossia questioned if a temporary turnaround existed on Basswood Drive. Mr. Oravec stated that a temporary turnaround did not exist for plats 1 thru 3. Mr. Oravec stated that subdivision improvements were already installed for Woodmont Plat 4, including sanitary sewer, water, storm sewers, pavement, plat monuments, and staked lots. Mr. Oravec stated that he hoped all lots in Woodmont Plat 4 would be sold by spring of 2011. Ms. Schuerman questioned how many lots were in the existing Woodmont Subdivision. Mr. Steiner stated that 107 single family lots were proposed in the original plat.

Mr. Huber stated he found several procedural errors during his review of the site plan. Mr. Huber reported the original plat was reviewed by his predecessor, Mr. Anthony Allion, Wood County Engineer. Mr. Huber stated that Mr. Allion has signed Plats 3, 4, and 5 on behalf of Wood County in April of 2004, and reported that Mr. Allion’s signature was valid

for 18 months. Mr. Huber stated that he would be requesting a legal opinion and reported that remainder of his comments were subject to legal opinion.

Mr. Huber referenced Article 8, Section B, Item 1.B (page 2) "Site Plan Application Procedures" of the Perrysburg Township Zoning Resolution, which stated that the site plan application should be referred to an independent engineering consultant for review. Mr. Huber stated that all inspections of the subdivision plat should have been performed by an independent engineering consultant. Mr. Huber stated that his office performed an inspection of the subdivision and expressed concern regarding the inspection since the Perrysburg Township Zoning Resolution clearly stated that an independent engineering consultant should have performed the inspection. Mr. Huber stated that his office was never notified by the paving contractor when the pavement was installed, therefore the Engineers Office could not testify that the plans were accurate.

Mr. Huber stated that several irregularities were raised which he was not comfortable with and reported that he could not endorse Woodmont Plat 4. Mr. Steiner reported in the past, plats obtained a conditional approval for the entire plat and then the developer would submit in phases of development for final approval. Mr. Steiner reported that the development in question was zoned PUD-RS, and questioned if it fell within the Wood County Subdivision Regulations or the Perrysburg Township Planned Unit Development regulations. Mr. Steiner reported the front commercial lots of the development could be subdivided administratively through the Wood County Subdivision Regulations. Mr. Huber added that preliminary approval was granted for this development over 5 years ago.

Mr. George Oravec stated that he had designed the entire project from inception. Mr. Oravec stated the original 80 acre farm was approved as a PUD. Mr. Oravec stated that the original PUD site plan never changed, and reported that the proposed lots were exactly as originally proposed. Mr. Oravec stated that plans were re-reviewed by the Northwestern Water and Sewer District and the Wood County Engineers Office when the sanitary sewer and water improvements were relocated due to the location of an oil line.

Mr. Brown questioned if it was a statutory requirement to establish an expiration date for plat approval. Mr. Steiner stated that he was unsure if it was a statutory requirement. Mr. Oravec stated that an expiration date was usually established so that subdivisions meet the current requirements. Mr. Oravec stated that he was surprised that the contractor that installed the subdivision improvements had not contacted the County Engineer's Office for inspection. Mr. Huber stated that the pavement base had been checked but the asphalt had not. Mr. Oravec stated they could do pavement core samples. Mr. Huber suggested that a condition be included with the motion to include that pavement samples be done to verify thickness of the asphalt. Mr. Steiner added that they can restrict the plat from being recorded until all conditions are met. Mr. Steiner questioned who would do the inspections. Mr. Huber stated that an independent consultant should be consulted. Mr. Steiner reported that he was unsure if Woodmont Subdivision fell under the PUD requirements of the Wood County Subdivision requirements, and reported that an independent consultant should be contacted for PUD inspections. Mr. Steiner reported that he would like legal advice on the issue.

Mr. Mike Stoll, Northwestern Water and Sewer District (NWWSD), stated it was mandatory for them to include an expiration date within their developers agreement because it is a contract and it is not open ended. Mr. Stoll stated that the NWWSD had re-reviewed the Woodmont Subdivision plans. Mr. Stoll reported that the City of Perrysburg is the only jurisdiction that he works with that tries to implement their zoning regulations outside of their jurisdiction. Mr. Brown questioned if NWWSD allowed the City of Perrysburg to implement their zoning regulations on the areas that they serve. Mr. Stoll stated that was a legal question for others to answer because the NWWSD is not in charge of zoning, and noted there was litigation on the matter. Mr. Brown questioned if the matter had been settled. Mr. Steiner stated that he believed an agreement had been reached between the City of Perrysburg and Perrysburg Township. Mr. Stoll reported that he believed the right of way was not properly dedicated for Woodmont Plat 4. Mr. Oravec stated that all right of ways were properly dedicated. Mr. Steiner reported it was probably an error on behalf of the Wood County Auditors Office.

When the item was turned over to Planning Commission members for a motion, Mr. Fitzgerald moved that the Planning Commission members approve Woodmont Plat 4 with the condition that core samples be done to verify the thickness of the asphalt and a temporary turn around be installed where Basswood Drive runs into the unplatted area of the subdivision. Ms. Schuerman seconded the motion and Commission members responded with a vote of 6 in favor, none opposed, 1 abstention (Mr. Black), motion carried.

Planning Commission staff and members discussed the possible establishment of an expiration date for preliminary plat approvals. An expiration date will be researched.

ZONING – LAKE TOWNSHIP

CGP Acquisition & Development submitted a request to rezone approximately 1.44 acres of land from a B-1 Neighborhood Business District to a B-2 General Commercial District. The property is located in Section 12 of Lake Township. As indicated on the application, the applicant has requested the zoning change to allow for the construction of a Dollar General Store.

Mrs. Hemminger stated that the property was located in the southeast quarter of Section 12, Lake Township on the North side of State Route 51 between Millbury Road and Ayers Road. Mrs. Hemminger reported the property was located north of the Village of Millbury and was currently zoned B-1 Neighborhood Business. Mrs. Hemminger stated that the surrounding properties were zoned B-2 General Commercial, R-1 Suburban Residential, and R-2 Residential. Mrs. Hemminger stated that the property was designated as an urban/small town expansion area by the Wood County Comprehensive Land Use Plan. Mrs. Hemminger reported that water and sanitary sewer was available to the property and that no environmental constraints were associated with the property such as wetlands or floodplains.

When the item was turned over to Planning Commission members for review and discussion, Mr. Fitzgerald expressed that he was happy to see a rezoning request which blended with the Wood County Comprehensive Land Use Plan. Mr. Brossia noted that the intersection at Woodville Road and Millbury Road was bad and questioned if the issue would be addressed. Mrs. Hemminger reported that the proposed business would utilize an existing drive and would not require an additional curb cut. Mr. Brown stated that he did not believe the State of Ohio would allow for another curb cut. Mr. Brossia questioned if access was by public road or private drive. Mrs. Hemminger reported that access would be obtained from a private drive.

Andrew Rossell of Hurley and Stewart, represented CGP Acquisition & Development (developer), stated the proposed Dollar General Store would own the access drive and an easement would be granted to Sunrise Park and Banquet Hall. Mr. Roselle reported the proposed end use would be low density. Mr. Black reported that he did not think approval should be granted until direct access was obtained to the property. Mr. Rossell stated that the banquet hall would have direct access onto Millbury Road and the property in question would have access to Woodville Road. Mr. Huber questioned which parcel was landlocked. Mr. Rossell reported that no parcels were landlocked and reported that the proposed Dollar General Store property would be accessed by Stated Route 51 (Woodville Road) with an access easement agreement. Mr. Brown questioned if the traffic count for the property in question would help to warrant a traffic light for the Millbury Road and State Route 51 (Woodville Road) intersection. Mr. Rossell reported that Ohio Department of Transportation (ODOT) would warrant the installation of a traffic signal by the number of fatalities at the intersection. Mr. Brown suggested that traffic counts be submitted to ODOT. Mr. Black questioned if Lake Township had an overlay district. Mrs. Hemminger stated that they did not.

When the item was turned over to the Planning Commission members for a motion, Mr. Brown made a motion to recommend to Lake Township that they approve the request to rezone approximately 1.44 acres of land from a B-1 Neighborhood Business District to a B-2 General Commercial District. Mr. Fitzgerald seconded the motion and Commission members responded with a vote of 5 in favor, 2 opposed (Mr. Black and Mr. Brossia), motion carried. Mr. Brossia and Mr. Black agreed that the proposed rezoning request was poor planning.

ZONING TRAINING

The Zoning Training which was to be conducted by Linda Holmes of the Wood County Prosecutors Office was cancelled.

There being no further discussion, Mr. Carter made a motion to adjourn the August 10, 2010 Planning Commission meeting. Mrs. Thompson seconded the motion and Commission members responded in full support.