



WOOD COUNTY PLANNING COMMISSION AGENDA

August 9, 2011

5:30 PM

The Wood County Planning Commission will meet in regular session on Tuesday, August 9, 2011 at the County Office Building in Bowling Green, Ohio. The time of this meeting is 5:30pm. A suggested agenda follows:

Approval of the July 2011 Planning Commission Meeting Minutes

WOOD COUNTY PLANNING COMMISSION STAFF ACTIVITIES REPORT

Staff activities for July 2011 will be reviewed

TROY TOWNSHIP – ZONING

An application has been submitted by William Rentz to rezone an existing one (1) acre parcel of land in Section 26 of Troy Township from an A-1 Agricultural Zoning Classification to a C-1 Neighborhood Commercial zoning classification. The purpose of this request as stated on the application is that the applicants wish to move their wood burner business from the Village of Pemberville to an existing shop on the above noted parcel of land in Troy Township.

SUBDIVISION – LAKE TOWNSHIP

DMWW Properties LLC has submitted a final plat entitled Freedom Estates Plat Two for review and final approval by the Planning Commission. The plat which received conditional preliminary approval at the April 2011 Planning Commission meeting consists of two (2) residential lots which have been re-platted out of the larger Freedom Estates Subdivision. The new plat is located in Section 12 of Lake Township and is located at the northeast corner of Bradner Road and North Freedom Drive.

CHAIRMAN'S TIME

DIRECTOR'S TIME

Subdivision Rules and Regulations update

ADJOURNMENT

Please make plans to attend!

ITEM # 1 –TROY TOWNSHIP ZONING

Applicant(s)

William O. Rentz

20533 Bradner Road
Luckey, Ohio 43443

Proposal

Applicant has submitted an application to rezone an existing parcel approximately one (1) acre in size 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 wishes 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 needs to be zoned C-1 Neighborhood Commercial.

Location

The subject parcel consists of a one (1) acre parcel of land in the northeast quarter of Section 26 of Troy Township. More specifically, the parcel is located at the northwest corner of State Route 582 (Middleton Pike) and Brander Road. Devil's Hole Road is located one half mile to the south and Pemberville Road is one mile to the west.

Land Use and Zoning

The property is currently zoned A-1 Agricultural. Lands to the north, south and west are also zoned A-1 Agricultural. Lands to the east are zoned C-1 Neighborhood Commercial. The Wood County Comprehensive Land Use Plan has identified the area where the parcel is located at as being in an Urban – Small Town Expansion area. In regards to environmental constraints, there are no floodplains or wetlands on the property. There are no public utilities available to the parcel.

Attachment

A. Location Map

Staff Analysis

As stated in the proposal section above, the applicant currently owns and operates a wood burning stove business in the Village of Pemberville, and would like to move the business to a parcel of land in Troy Township. The applicant owns this parcel, and has stated that there is an existing work shop on the parcel that would be used for the business. Under the current Troy Township Zoning Resolution, this end use would not be permitted under an A-1 Agricultural zoning classification, or as an in the home business.

In regards to the parcel, it is currently being used for residential purposes. The applicant has stated on their application that they intend to use the existing workshop/accessory building on the parcel for the actual shop/store where the business will be conducted. This end use is permitted under a C-1 Zoning Classification as a "Neighborhood Retail" type of enterprise.

Currently the only other commercially zoned property located anywhere near the vicinity is to the east of the parcel where a bar is located. Land use in the area is medium density residential, with some agricultural uses spread throughout the area. The Wood County Comprehensive Land Use Plan has designated this area as being in an urban-small town expansion area. There are no public utilities available to the site. Public water is located about a mile to the west on Pemberville Road, however the Northwestern Water and Sewer District hasn't been petitioned yet to extend this line to the area where the subject parcel is located.

The main problem or point of discussion regarding this request is the issue of a spot zone situation. As noted above, there is property adjacent to the subject parcel that is being used commercially as a tavern, and is also zoned C-1 Commercial. The problem is that this parcel that is currently zoned C-1 Commercial is only two (2) acres in size, and furthermore, it is likely that the tavern located on the parcel existed long before zoning was adopted. The basic question is whether or not allowing this zoning change will add to an existing spot zone.

Staff Recommendation

As stated above, the main problem or dilemma surrounding this item is whether changing the zoning of this parcel would constitute a spot zone. Typically, to be considered spot zoning a parcel has to be zoned entirely differently than the parcels surrounding it. In this case, there is an adjacent parcel zoned C-1 Commercial but it is also a small sized parcel.

The requested zoning classification, specifically, the fact that it is a low density commercial designation, makes it compatible with what's in the area. Again the issue of a spot zone comes into play.

In regards to a staff recommendation, this is a rare situation where it will be a judgment call on the part of the Planning Commission to decide whether recommending rezoning would be compatible since there's already a piece of commercially zoned property adjacent to the subject parcel, or if allowing the rezoning would add to and compound an already existing spot zone. Lastly, the Planning Commission is only providing a recommendation to Troy Township. It is ultimately the role of the township to choose whether or not to allow the rezoning.

ITEM # 2 –SUBDIVISION – LAKE TOWNSHIP

Applicant(s)

DMWW Properties LLC

8751 Oak Valley Road
Holland, Ohio 43528

Proposal

DMWW Properties LLC has submitted a final plat entitled “Freedom Estates Plat Two” for final review and approval. The proposed plat consists of two (2) residential lots covering approximately 1.66 acres of land in Section 12 of Lake Township. The proposed plat is a re-plat of an existing lot in Freedom Estates Subdivision. This plat was granted conditional preliminary approval at the April 2011 Planning Commission meeting.

Location

The plat is located in the existing Freedom Estates Subdivision at the northeast corner of Bradner Road and North Freedom Drive in Section 12 of Lake Township. More specifically, the proposed plat is approximately 600 ft. south of Walbridge Road, one half mile west of Millbury Road, one mile west of Fostoria Road, and three quarters of a mile north of Ayers Road.

Land Use and Zoning

The underlying land of the plat is zoned R-1 Residential. Lands to the north, south, and east are also zoned R-1 Residential. Lands to the west are zoned R-2 Residential. The Wood County Comprehensive Land Use Plan has identified the area where the plat is located at as being in a prime farmland-rural countryside area; however, the areas immediately adjacent to the plat are located in areas that have been designated urban infill areas. There are no wetlands on the plat property; however there may be a portion of the 100 year floodplain of Ayers Creek on the property.

Attachments

- B. Location Map
- C. Plat Map

Staff Analysis

The plat that has been submitted for final approval is part of the Freedom Estates Subdivision, which was originally developed by the Dold Development Company. When the company was forced to declare bankruptcy, several of the company’s developments were offered for sale. Freedom Estates was one of these developments, and the new owner has chosen to redesign the subdivision. One of the first and most significant alterations involves the re-platting of the existing Out Lot A into two residential lots with the remainder of the original lot being set aside for open space.

In regards to the history of the underlying plat; it was first reviewed by the Planning Commission at the December 2003 Planning Commission meeting. At that time, it was denied preliminary approval due to the numerous errors that the plat drawing contained. It was resubmitted for preliminary approval at the January 2004 meeting and was granted preliminary approval based on the errors being corrected. The plat was submitted for final approval at the January 2005 meeting and was granted final approval at that time. Since then, the Dold Development Company underwent bankruptcy and was forced to sell off the undeveloped lots in several of their subdivisions including Freedom Estates. At the April 2011 Planning Commission meeting, the preliminary version of this plat was reviewed. At that time, it was granted conditional preliminary approval. There were numerous conditions/items identified for correction. In response to this, the engineer for the plat met with the Wood County Engineer and the Planning Commission Staff in order to ensure all items and conditions were corrected on the final plat.

With the exception of official legal clarification over ownership of the detention basin and the open space lots within the plat, these items have been addressed.

The final plat itself consists of three (3) lots, two (2) of which are residential building lots, and one (1) being a lot set aside for open space. The lots meet the minimum zoning requirements for setbacks, frontage, and lot area under Lake Township's R-1 Residential zoning classification. The developer has asked for a variance on the open space requirement as the proposed open space is 80% of what is required under the Wood County Subdivision Regulations.

Problems and items that still need addressed with this plat are numerous. The first item that needs addressed is the issue of ownership of the common areas and detention basin. As noted at the April meeting, Lake Township noted their concern regarding this matter. The Wood County Prosecuting Attorney has given this matter a preliminary review. The opinion of the Prosecuting Attorney is that the current owner needs to re-plat the entire subdivision if they wish to alter the detention basin and Outlot A, which has been subdivided to create the plat currently up for review. The Prosecutor's reasoning is that the new owner essentially "stepped into the shoes" left by the Dold Company when that company went bankrupt. By stepping into this role, the new developer is required to adhere to the restrictions that the original developer had. The restrictions that affect this current plat is that Outlot A cannot be used for anything other than open space, and that the detention basin must remain as it is.

The second item that needs addressed is the issue of maintenance, specifically, who is going to maintain the open space of Lot C, as well as the storm drainage of lots 31 and 32. Traditionally, a homeowner's association has been responsible for this maintenance. If this is the direction the developer wishes to take, then a declaration of restrictions will need to be drafted and submitted.

Another option is to have the development placed under maintenance by the County Engineer. One of the major concerns regarding maintenance is the maintenance of the land on the back portions of Lots 31, 32 and Lot C. Currently, Ayers Creek bisects these lots. There is the potential for back portion of these lots to fall into disrepair due to difficulties in accessing them due to the creek. If the developer allows the County Engineer to maintain the lots, then this issue might be easier to manage.

The third item that needs attention is the filing of final construction plans with the County Engineer. To date, the County Engineer has not seen any construction plans in regards to storm sewer designs, roadway designs, etc. These will need to be filed for his review.

The fourth item is an erroneous legal description. The original legal description had errors, and most of them have been corrected, however there continues to be some minor errors that need correction.

The last item that needs corrected is the owner's certification. There is actually reference to a completely different plat in the certification, as well as discrepancies in who is responsible for easements.

Staff Recommendation

Given the multitude and complexity of the items that still need worked out with this plat, it is the recommendation of the Planning Commission Staff that the Planning Commission choose to make the developer(s) re-plat the subdivision so that all of the concerns listed above are addressed.