



**WOOD COUNTY PLANNING COMMISSION
AGENDA**

December 6, 2011

5:30 PM

The Wood County Planning Commission will meet in regular session on Tuesday, December 6th, 2011 at the County Office Building in Bowling Green. The time of this meeting is **5:30 p.m.** A suggested agenda follows:

Approval of the September 2011 Planning Commission Meeting Minutes

WOOD COUNTY PLANNING COMMISSION STAFF ACTIVITIES REPORT

Staff activities for September through November 2011 will be reviewed

MIDDLETON TOWNSHIP – SUBDIVISION

National Survey Service and McCarthy Builders have submitted a final plat entitled “Replat of Lots 2 Through 14, 18 Through 22, 36, 48, 52 & 55 Through 58 in Riverbend Lakes Subdivision Plat 1” for Planning Commission review and approval. McCarthy Builders recently purchased the lots in the original Riverbend Subdivision that had been offered for sale after the original builders of the plat had gone bankrupt. In order to further develop these lots, McCarthy Builders have indicated that they need to reduce the width of the side lot line utility easements from ten (10) feet to eight (8) feet in width. Aside from the two foot reduction in the side utility easement width, the existing lots are not being changed. The proposed re-plat is located in the existing Riverbend Subdivision in River Tract 54 of Middleton Township.

TROY TOWNSHIP - ZONING

The Troy Township Zoning Commission has submitted an amendment to the current Troy Township Zoning Resolution regarding the regulation of outdoor wood fired burners.

CENTER TOWNSHIP – ZONING

The Center Township Zoning Commission has submitted four (4) text amendments to the current Center Township Zoning Resolution. These amendments include two changes to the Resolution’s definitions section, a change to Article XIII regarding the maximum height of a building, changes to Article XIV, parking facilities, and changes to Article XV, signs and outdoor advertising. These proposed amendments are the latest installment to Center Township’s ongoing update to their Zoning Resolution.

CHAIRMAN’S TIME

- Election of Planning Commission Officers for 2012
- Annual performance review of Director

DIRECTOR’S TIME

- Subdivision Regulations update

ADJOURNMENT

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Phone: 419-354-9128 Fax: 419-354-4972
www.co.wood.oh.us/planning

ITEM # 1 – MIDDLETON TOWNSHIP SUBDIVISION

Applicant(s)

National Survey Service

P.O. Box 184
Waterville, OH 43566

Proposal

Applicant has submitted a replat of Lots 2-14, 18-22, 36, 48, 52 and 55-58 in Riverbend Plat One for review and final approval. The purpose of the replat is that the applicant wishes to reduce the current utility easements on the side lot lines from ten (10) feet in width to eight (8) feet in width. This meets the minimum width of eight (8) feet for side lot easements as prescribed in the current Wood County Subdivision Rules and Regulations. Aside from the reduction of the side lot line utility easements and renaming the replat, no other changes to the lots are being proposed.

Location

As stated in the proposal section, this replat is located in the current Riverbend Lakes Subdivision in Middleton Township. Specifically, the plat is part of River Tract 54 in Middleton Township. River Road (State Route 65) is located directly to the west of the development, Roachton Road is approximately 2200' ft. to the north, and Hull Prairie Road is approximately one mile to the east of the development.

Land use and Zoning

The development and the surrounding undeveloped land is currently zoned R-3 Residential. Land use in the area is medium density residential. Public water and sanitary sewer are available to the development, and the Wood County Comprehensive Land Use Plan has designated the area where the development is located as being an Urban In Fill Area.

Attachments

- A. Location Map
- B. Plat Map
- C. Letter of concern from Middleton Township

Staff Analysis

The Riverbend Development has had a long and at times, contentious history. In 2001, the property underlying Riverbend was rezoned from an A-1 Agricultural and R-1 Residential Zoning Classification to an R-3 Residential Zoning Classification. At that time, the development being proposed was a golf course type of development, somewhat similar to what exists at the Stone Ridge Golf Course in Bowling Green. The Planning Commission recommended denial of the rezoning at that time; however, it was ultimately approved by Middleton Township.

Item # 1 - Staff Analysis, Continued

The golf course concept fell out of favor with the developers at the time, and ultimately was abandoned for a lake style development. Plats one and two of this new development were granted approval and construction commenced on the development. Homes were built and the lakes were constructed, however, by 2008 the original developers of the subdivision had filed for bankruptcy and the unsold lots went into receivership.

The lots have been sold to McCarthy Builders who have indicated their intent to market the lots for residential building purposes. As far as the reduction of the side yard easement width from 10' ft. to 8' ft., this is acceptable per the Subdivision Regulations. All of the other lot characteristics are being left alone, which means the lots stand as they did when they gained final approval the first time.

Two main issues have arisen with this request. The first issue is fairly simple, however it needs addressed. The issue deals with deed restrictions and homeowner bylaws. There were no copies of proposed restrictive covenants or homeowner association bylaws included with this submittal. Additionally, there was no indication as to whether or not the new owner/developer is going to use the restrictions and by laws previously filed with the original subdivision. This item will need brought up during the review of this plat, as it could present a situation similar to what is currently being dealt with in Freedom Estates.

The second item of concern is more complex and it will need addressed and discussed. This item involves Lots 123 and 124 in Plat One. The applicant owns Lot 123, and Lot 124 is owned by a bank. The problem is that back in 2002 when the subdivision was granted approval, these two lots were irregular shaped lots with less than the required frontage. How these lots "slipped through" is not known as the officials involved in the subdivision at this time at both the County and the Township have since retired or left their positions. The problem is that under the current Middleton Township Zoning Regulations, it is not possible to put a dwelling on these lots. Essentially, this makes these lots unusable for anything other than open space.

Middleton Township has suggested that the replat be denied until the issue of these lots is worked out. The problem is that the applicant only owns one of these lots. There is the possibility of approving the replat with the condition that Lot 123 remains open space, and if the applicant can purchase Lot 124, then he can do so and have that remain as open space. Again, this is an item that is of utmost concern as the potential to rectify these improperly configured lots exists at this particular juncture in time. Lastly in regards to this item, a letter from the Middleton Township Trustees expressing their concern over these lots has been attached to this agenda report.

Staff Recommendation

As stated in the analysis section, the main plat characteristics are not changing with this replat. The only change to the lots is a two foot reduction in the side lot easement width. This reduction is permitted under the current Subdivision Rules and Regulations.

This being the case, there is no problem in granting final approval to the replat. However, the issue of what restrictive covenants are to be used as well as the by laws of the homeowner's association need to be addressed and solidified before approval can be granted.

The second item that needs addressed is the problem with Lots 123 and 124 that is detailed above. Now is the time to try to rectify (as much as can be rectified) the problem with these lots. Again, there is the option of the making Lot 123 open space and if the applicant obtains Lot 124, make that open space too. Also, the applicant owns the lot immediately adjacent to Lot 123 to the south. There is the potential of adjusting the replat to combine those two lots into something closer to acceptable standards.

In closing, it is the opinion of the Planning Commission Staff that the Planning Commission can safely approve this replat once the they feel the two items concerning plat restrictions and the irregular lots are addressed and a solution to them has been found.

ITEM # 2 – TROY TOWNSHIP ZONING

Applicant(s)

Troy Township Zoning Commission

6505 Five Point Road
Perrysburg, OH 43551

Proposal

The Troy Township Zoning Commission has drafted language to regulate and permit the installation and placement of outdoor wood fired burners within the Township. The regulations include provisions for setbacks from neighboring property lines, site plan submission, and a permit application.

Attachments

B. Copy of proposed regulations

Staff Analysis

There has been interest from some Wood County Townships in regards to the regulation of outdoor wood fired burners for a few years now. Approximately three years ago, at the request of these Townships, the Wood County Planning Commission Office drafted sample language regarding the placement, permitting and regulating of these burners. This sample language was based on EPA suggestions and reports, CCAO reports, and other Ohio Township Zoning Regulations. This sample language was made available to the interested Townships, however, Troy Township is the first of Wood County's Townships so far to use some of the sample language to suit their needs and to begin the process of incorporating it into their current zoning resolution.

As far as the "nuts and bolts" of the language, Troy Township is proposing that outdoor wood fired burners be a permitted use in all zoning districts, however a special zoning permit would be needed to install a burner. With this permit application, the applicant would need to include a site plan showing the property owner's address and parcel number, the proposed location of the burner, property lines, setback distances, the principal building on the parcel, the proposed stack height of the chimney, and the location of neighboring structures.

Troy Township also proposes that any new burner be located in the rear yard or the rear ¼ of the property's side yard at least fifteen (15) feet from either the side and/or rear property lines. New burners shall not be a distance farther than ten (10) feet from a fixed outbuilding, the chimney height shall be a minimum of twelve (12) feet high from level ground unless the manufacturer recommendations are stricter. Only seasoned wood or fuel can be burned in these units, a concrete pad be placed under the unit, and that all firewood or fuel be stored so that it is protected from vermin infestation.

In regards to items of concern, there are a few items contained in this proposed language that warrant further discussion and examination by Troy Township.

Item #2 - Staff Analysis, Continued

First off, under Section 7.19 Item Number 4, the Township has written that burners shall be located at least ten feet from a fixed outbuilding. As a casual reader, this is somewhat confusing as to whether this means outbuildings and the main dwelling, or just an outbuilding. There probably needs to be some clarification and or addition of language that sets the setback from the main dwelling on the lot.

The second item that the Township should reexamine is also under Section 7.19. Item Number 7 states that: "It is recommended that a concrete pad be placed under the outdoor wood burner". It is probably a good idea to just make it a requirement that any burner be installed on top of a concrete pad.

The third item is that there are several typographical errors that need fixed on the final document. These can be summarized by the Planning Commission Staff and forwarded to the Township.

Staff Recommendation

It is reassuring to see a Township taking a proactive approach as to try to regulate the placement of outdoor wood fired burners through zoning. These units can pose a fairly severe problem for neighboring property owners in regards to the large amounts of smoke they produce, as well as the potential to produce toxic smoke depending on what is being burned in the units.

Based on this, it is the recommendation of the Wood County Planning Commission Staff that the Planning Commission recommend to Troy Township that the Township adopt the language with the suggestions that the Township make the placement of a concrete pad under a burner a requirement, that the Township clarify or set a setback distance from the main dwelling for a new burner, and that the typographical errors be corrected.

ITEM # 3 – CENTER TOWNSHIP ZONING

Applicant(s)

Center Township Zoning Commission

15800 Silverwood Road
Bowling Green, OH 43402

Proposal

The Center Township Zoning Commission has submitted four (4) text amendments to the current Center Township Zoning Resolution. These amendments include two changes to the Resolution's definitions section, a change to Article XIII regarding the maximum height of a building, changes to Article XIV, parking facilities, and changes to Article XV, signs and outdoor advertising. These proposed amendments are the latest installment to Center Township's ongoing update to their Zoning Resolution.

Attachments

E. Copy of proposed amendments

Staff Analysis

The amendments that Center Township has drafted and submitted for approval are fairly straightforward and consist of standard items found in all zoning texts. The parking section is very good and contains diagrams which makes it much easier for a layperson to understand what is required in regards to parking lot and space design. The maximum height for buildings is also a good addition to the resolution in that it serves the spirit and intent of zoning to protect the safety of the public by ensuring buildings that cannot be served by the township's fire fighting equipment are not erected.

Staff Recommendation

As stated above, these amendments are fairly run of the mill and standard items for all zoning resolutions. Additionally, Center Township produced an easier to understand document with the inclusion of diagrams for their parking section.

Seeing that there are no errors or inconsistencies found in the proposed language, it is the recommendation of the Wood County Planning Commission Staff that the Planning Commission recommend to Center Township that the Township approve these amendments.