



**WOOD COUNTY PLANNING COMMISSION
AGENDA**

JUNE 5, 2012

5:30 PM

The Wood County Planning Commission will meet in regular session on Tuesday, June 5, 2012 at the County Office Building in Bowling Green, Ohio. The time of this meeting is 5:30pm. A suggested agenda follows:

Approval of the May 2012 Planning Commission meeting minutes.

OLD BUSINESS

NEW BUSINESS

REVIEW OF FY12 CDBG APPLICATIONS AND SELECTION OF PROJECTS

All applications to the FY12 CDBG Program will be reviewed and four (4) will be selected for recommendation to the Wood County Commissioners.

MIDDLETON TOWNSHIP – SUBDIVISION

ESA Inc. has submitted a final plat entitled “Saddlebrook Plat Eleven” for review and final approval. The plat is the eleventh phase of the larger Saddlebrook development located in Section 23 of Middleton Township. Plat Eleven covers approximately 3.596 acres of land and contains a total of eleven lots. The proposed plat is located in the southwestern quadrant of the current development which is located near the intersection of Hull Prairie and Roachton Roads, and will be accessed by the extension of Saddlebrook Court.

TROY TOWNSHIP – ZONING

The Troy Township Zoning Commission has drafted an amendment to the current Troy Township Zoning Resolution. Specifically, the amendment deals with home businesses and home occupations.

BLOOM TOWNSHIP – ZONING

Mary Powell and Donnie L. Webb of Webb Recycling have submitted an application to rezone Lots 25-29 and 78-81 in the Unincorporated Village of Welker in Section 31 of Bloom Township from an Agricultural Zoning Classification to an Industrial Zoning Classification. The purpose of this request is that the applicants wish to expand their auto recycling business that currently operates as a legal non conforming use to the north of parcels to be rezoned.

The property is currently located on the south side of Third Street in the Unincorporated Village of Welker, State Route 18 is located approximately 2500 feet to the south, the Petro Truck Stop and New York Central Railroad line borders the lots to the west.

HENRY TOWNSHIP – ZONING

Donald A. Barker, Trustee has submitted an application to rezone approximately 79 acres of land in Section 31 of Henry Township from an A-1 Agricultural Zoning Classification to an Industrial Zoning Classification. The purpose of this request as stated on the application is that the applicant owns the 79 acres directly south of the CSX Intermodal Site, and wishes to acquire an Industrial Zoning Classification to make the property more marketable. The parcel is located on the south side of State Route 18/Deshler Road, one half mile north of Thrush Road, one half mile east of Range Line Road and Potter Road borders the parcel to the west.

CENTER TOWNSHIP – ZONING

The Center Township Trustees have submitted a series of minor changes and text amendments to the current Center Township Zoning Resolution. These changes are part of Center Township's ongoing update process to their zoning resolution.

LAKE TOWNSHIP – ZONING

McIlvaine, Inc. has submitted an application to rezone approximately 7.2 acres of land found in four (4) parcels in Section 4 of Lake Township from an R-2 Residential Zoning Classification to a B-3 Highway Business Zoning Classification. The purpose of the request as stated on the application is that the applicant wishes to bring the property into conformance with the current Lake Township Zoning Resolution. Currently the property contains a truck repair facility that exists as a non conforming use. The B-3 Zoning Classification would allow the applicant to store their trucks at the site. The subject property consists of four (4) separate parcels of land that cover approximately 7.2 acres of land in Section 4 of Lake Township. More specifically, the parcels are located on the west side of Lemoyne Road one mile east of Drouillard Road and approximately 3,400 feet north of Walbridge Road.

CHAIRMAN'S TIME

DIRECTOR'S TIME

ADJOURNMENT

Please make plans to attend!

ITEM # 1 - FY12 CDBG PROGRAM PROJECT SELECTIONS

****See Attached Handout****

ITEM # 2 - MIDDLETON TOWNSHIP - SUBDIVISION

APPLICANT

ESA Engineers

5353 Secor Road
Toledo, OH 43623

PROPOSAL

Applicants have submitted a final plat entitled "Saddlebrook Plat Eleven" for final review and approval. The plat is the eleventh phase of the Saddlebrook Development located in Section 23 of Middleton Township at the corner of Hull Prairie and Roachton Road. Plat Eleven covers approximately 3.596 acres and contains eleven single family lots. Plat improvements include streets with 60 feet of right of way, 25 feet of pavement with back to back curbs and gutters, and all utilities.

LOCATION

The plat is in the southwest quadrant of Saddlebrook Development. Hull Prairie Road is approximately 1400 feet to the east and Roachton Road is approximately 2300 feet to the north. Saddlebrook Plat Seven is located directly to the east of the proposed plat, and Saddlebrook Plat Nine is located directly to the north.

LAND USE AND ZONING

The underlying plat ground is currently zoned R-3 Residential. All land surrounding the proposed plat is also zoned R-3 Residential. The Wood County Land Use Plan has identified the area where the plat is located as an urban – small town expansion area. There are no floodplains or wetlands in the area, and the area is currently being used for medium-density residential purposes.

ATTACHMENTS

- A. Plat Map
- B. Plat Location Map

STAFF ANALYSIS

This particular plat is part of the larger Saddlebrook Subdivision, and is the eleventh phase of the development. The overall Saddlebrook Development has been established since the mid 1990's.

Specifics of the plat are fairly straightforward. It covers approximately 3.596 acres of land and contains eleven single family residential lots. Plat improvements include the extension of Saddlebrook Court, which will be a public street containing 60 feet of right of way, 25 feet of back to back pavement, curbs and gutters, and will terminate in a cul-de-sac.

Additionally, all utilities such as water, sewer, storm sewer, gas, electric and cable will also be installed in the plat. Sidewalks are to be installed in front of all lots and as stated on the plat, will be the responsibility of the individual lot owner(s).

Errors and/or questions that have arisen upon review of this plat are as follows:

1. The Owner's Certification language is somewhat vague as to ownership and maintenance of utility easements and infrastructure. Saddlebrook has an active homeowner's association and it is likely that the association will maintain and own the infrastructure, however it is not noted.

2. The identification numbers assigned to the proposed lots do not follow the sequencing of the existing lots. If the developers have assigned these numbers to Plat Eleven for a specific reason, it is not noted. As it stands, the lot numbers for the eleven new lots are out of order with what is found in the surrounding plats.
3. Commissioner Kuhlman's name needs placed on the signature page instead of Commissioner Perkins'.
4. The parcels bordering the plat to the west are not depicted on the plat drawing. For consistency, land ownership to the south and west of the plat needs to be better identified.

STAFF RECOMMENDATION

The plat is consistent with what is currently found in the area and is consistent with the rest of the Saddlebrook development. The four items noted above, however, need to be addressed and corrected.

Given the compatibility with the land use in the area and the overall development plan for the Saddlebrook Development, the Planning Commission Staff recommends to the Planning Commission that the Commission grant final approval to Saddlebrook Plat Eleven with the recommendation that the approval be conditional upon the correction or clarification of the four items listed above.

ITEM #3 - TROY TOWNSHIP - ZONING

APPLICANT

Troy Township Zoning Commission

6505 Five Point Road
Perrysburg, OH 43551

PROPOSAL

The Troy Township Zoning Commission has submitted a set of text amendments to the current Troy Township Zoning Resolution. Specifically, these changes involve in the home businesses and home occupations.

ATTACHMENTS

C. Proposed Amendments

STAFF ANALYSIS

Troy Township like many other Wood County Townships is struggling with a rash of commercial establishments operating on parcels of land zoned and used for residential purposes. This new language is intended to address this problem.

Troy Township has chosen to define these commercial operations occurring on agriculturally and residentially zoned parcels as "Home Property Businesses". The township does not define what type of business they consider a Home Property Business, but they do list businesses that cannot operate under this use. The township also states that the home property business must be incidental and secondary to the use of the property for residential purposes. The township has also chosen to make a home property business a conditional use that requires a conditional use permit from the Board of Zoning Appeals. The township also states that the conditional use permit shall not be transferrable upon sale of the property which is not allowed under the Ohio Revised Code.

The last regulation the township sets forth is that it prohibits outside storage of materials and equipment with these uses.

STAFF RECOMMENDATION

The problem of in the home businesses expanding and overflowing from the home to the remainder of the property and creating a zoning violation is not a problem exclusive to Troy Township. Every zoned township in Wood County faces this problem in varying degrees. The other problem is that no good solution has been developed to properly address this matter. Portage Township tried language somewhat similar to what Troy Township is proposing. This language was ultimately voted down by the Portage Township Trustees.

Several issues and problems are created when this approach to home occupations is taken. One issue is that the township actually loses revenue in the form of property taxes since the offending business is being taxed at a residential rate rather than at a commercial rate. Not only does the township lose out on tax revenue, but they also run the risk of being accused of unfairly treating the other commercial businesses that are properly zoned and taxed at the proper rate. Another issue is that the homes and properties that surround these home occupations often experience concerns since the offending business detracts from their home values. Lastly, allowing these small scattered commercial operations to exist in the township essentially sets up a "spot zone" situation in that commercial and industrial uses are occurring randomly throughout the township.

As for the language submitted by Troy Township, it essentially perpetuates the problems listed above. Additionally, the item stating that the conditional use permit cannot be transferred to a new owner, and does not run with the land is simply illegal under current law in the Ohio Revised Code. The Revised Code states that a conditional use runs with the land, not an individual owner.

Given the problems stated above as well as the legality of the conditional use permit transfer, the Planning Commission Staff recommends to the Planning Commission that the Planning Commission recommends to Troy Township that the Township deny this amendment.

ITEM #4 - BLOOM TOWNSHIP - ZONING

APPLICANT

Mary Powell Webb
Donnie L. Webb

1527 Galatea Rd.
North Baltimore, OH 45872

PROPOSAL

Applicants are requesting to rezone Lots 25-29 and 78-81 in the Unincorporated Village of Welker in Section 31 of Bloom Township from an Agricultural Zoning Classification to an Industrial Zoning Classification. The purpose of this request is that the applicants wish to expand their auto recycling business that currently operates as a legal non conforming use to the north of parcels to be rezoned.

LOCATION

The parcels in question are located in the Unincorporated Village of Welker in Section 31 of Bloom Township. More specifically, the lots are located on the south side of Third Street in the Unincorporated Village of Welker, State Route 18 is located approximately 2500 feet to the south, the Petro Truck Stop and New York Central Railroad line borders the lots to the west.

LAND USE AND ZONING

The subject property is currently zoned Agricultural. Lands to the north, south and east area also zoned Agricultural. Lands to the west are zoned Industrial and Commercial. Land use in the area is a mixture of residential, commercial and industrial. The Wood County Comprehensive Land Use Plan has identified the area where these lots are located as being in an urban in fill area and an employment center area. There are no floodplains or wetlands associated with the lots. In regards to public utilities, there are none available to these lots.

ATTACHMENTS

D. Location Map

STAFF ANALYSIS

The purpose of this rezoning request is that the applicants currently own and operate an auto recycling business on the lots to the south of the lots that are being requested for rezoning. The auto recycling business currently exists as a legal non conforming use. In order to expand this business, Lots 25-29 and 78-81 need to obtain an Industrial Zoning Classification. In addition to the Industrial Zoning Classification, the applicants will also need to acquire a conditional use permit for their operation from the Bloom Township Board of Zoning Appeals. As the Bloom Township Zoning Resolution is currently written, so called junk yards or recycling centers are required to be located in areas zoned Industrial, and also require a conditional use permit to operate.

There have been as of late, several problems associated with this operation looking to expand. According to Bloom Township as well as concerned residents in the area, the auto recycling operation has expanded from its original site where it exists as a legal non conforming use to the lots being considered for rezoning. This request to rezone appears to be an effort on behalf of the applicants to bring their operation into conformance with the current zoning requirements.

As for the compatibility of the use, the area as noted in the summary above, is currently a mixture of residential and industrial and commercial uses. The land use is mainly residential where these particular lots are located, with the exception of the current auto recycling facility.

If the lots were to be rezoned, any use would be held to the buffering and setback requirements for industrial uses abutting residential uses as set forth in the Bloom Township Zoning Resolution. In addition, since the proposed end use requires a conditional use permit, additional conditions and/or restrictions could be placed on the operation as deemed necessary by the Board of Zoning Appeals.

STAFF RECOMMENDATION

This item is a difficult one in that that the proposed end use is somewhat compatible with the existing land use in the immediate area and arguably is supported by what the Land Use Plan has designated the area for. On the other hand, the proposed end use is incompatible with the existing residential uses that are occurring in the immediate area. As it now exists, the residences located in this area are somewhat shielded from the nearby commercial and industrial uses by the border provided by the railroad tracks. In essence, the residences are part of a small pocket of residential land use surrounded by industrial and commercial uses. Making the decision even more difficult is that the auto recycling operation as it now exists has been in operation for years, even before zoning was enacted in Bloom Township. It currently lawfully exists as a legal non conforming use.

There are some safeguards for the residences in the area if the property were to be used for the auto recycling business. As noted above, the Board of Zoning Appeals would need to issue a conditional use permit for an auto recycling business and they could place additional restrictions on the permit. The problem is that if the property were to be rezoned Industrial, any industrial use would be allowed and while buffering and setback provisions would apply to the end use, a conditional use permit may not.

Given the character of the area, as well as the small size of the area, and the fact that any industrial use could occur on these lots if the township rezones them to Industrial, it is the recommendation of the Planning Commission Staff that the Planning Commission recommend to Bloom Township that the township deny this request.

ITEM #5 - HENRY TOWNSHIP - ZONING

APPLICANT

Donald A. Barker

7914 Township Road 21
McComb, OH 45858

PROPOSAL

Applicant has submitted a request to rezone approximately 79 acres of land in Section 31 of Henry Township from an A-1 Agricultural Zoning Classification to an Industrial Zoning Classification. The purpose for this request as stated on the application is that the applicant owns the 79 acres which is located directly south of the new CSX Intermodal Facility. The applicant feels an Industrial zoning classification will make the land more marketable.

LOCATION

The subject of land consists of approximately 79 acres in Section 31 of Henry Township. More specifically the parcel is located on the south side of State Route 18/Deshler Road, approximately one half mile north of Thrush Road, one half mile east of Range Line Road, and on the west side of Potter Road. As noted above, the CSX Intermodal facility is located directly to the north of the parcel.

LAND USE AND ZONING

The property is currently zoned A-1 Agricultural. Lands to the north, south, east and west are also zoned A-1 Agricultural. (The CSX Facility is a railroad operation which under Ohio Revised Code is exempt from zoning). Land use in the area is still agricultural with industrial uses occurring to the north of the subject parcel. The Wood County Land Use Plan has identified the area where the parcel is located at as being in an Employment Center and Key Corridor. There are no floodplains or wetlands on this property and public utilities are available from the CSX Site.

ATTACHMENTS

E. Location Map

STAFF ANALYSIS:

This application marks the first of what may be many requests to rezone the land adjacent to and near the CSX Intermodal site. The applicant has not identified an end user or end use on the application, but rather has elected to rezone the land in anticipation of an end user acquiring the land for industrial purposes. The property is currently bare farm ground as is the land to the south, east and west of the parcel.

The requested zoning classification fits in with what the Land Use Plan has selected for the area. Adding to that, it was only a matter of time until the land surrounding the CSX Site becomes developed for industrial and commercial uses. By zoning a parcel of this land to Industrial now, it makes it easier when an end user does decide to locate in the area.

STAFF RECOMMENDATION:

Given how the zoning fits in with what the Land Use Plan has slated the area for, and given the parcel's location relative to the CSX Intermodal Facility, it is the recommendation of the Wood County Planning Commission that the Planning Commission recommend to Henry Township that the Township approve the request to rezone the parcel from an A-1 Agricultural Zoning Classification to an Industrial Zoning Classification.

ITEM #6 - CENTER TOWNSHIP - ZONING

APPLICANT

Center Township Zoning Commission

15800 Silverwood Road
Bowling Green, OH 43402

PROPOSAL

The Center Township Zoning Commission has submitted a series of changes and text amendments to the current Center Township Zoning Resolution. The majority of these changes are small changes to existing sections of the resolution including the correction of grammatical errors, adding uses and adding language to regulate outdoor wood fired boilers.

ATTACHMENTS

F. Proposed Amendments

STAFF ANALYSIS

These amendments are the latest effort from Center Township to update the township's current zoning resolution. As stated above, most of the proposed changes consist of correcting grammatical errors, moving permitted uses into new zoning classifications, and the addition of new language for outdoor wood fired boilers including new definitions to address these boilers.

One error was found on page 45, the words "Permitted uses in an R-1 Residential District" need to be inserted between the heading "Permitted Uses" and item number 3.

The rest of the items submitted seem fairly pedestrian. The outdoor wood fired burner language is the only language that is completely new. A review of this language reveals a solid, workable approach to the regulation of outdoor wood fired burners.

STAFF RECOMMENDATION

Given that the majority of these items are housekeeping items and the only new item regarding outdoor wood fired burners does not appear to contain any glaring deficiencies, it is the recommendation of the Planning Commission Staff that the Planning Commission recommend to Center Township that the Township approve this request with the recommendation that they fix the error involving the omission of an R-1 Residential Zoning Classification.

ITEM #7 - LAKE TOWNSHIP - ZONING

APPLICANT

McIlvaine, Inc.

7556 Cleveland Road
Wooster, OH 44691

LOCATION

The subject property consists of four (4) separate parcels of land that cover approximately 7.2 acres of land in Section 4 of Lake Township. More specifically, the parcels are located on the west side of Lemoyne Road one mile east of Drouillard Road and approximately 3,400 feet north of Walbridge Road.

PROPOSAL

Applicant has submitted a request to rezone approximately 7.2 acres of land found in four (4) parcels in Section 4 of Lake Township from an R-2 Residential Zoning Classification to a B-3 Highway Business Zoning Classification. The purpose of the request as stated on the application is that the applicant wishes to bring the property into conformance with the current Lake Township Zoning Resolution. Currently the property contains a truck repair facility that exists as a non conforming use. The B-3 Zoning Classification would allow the applicant to store their trucks at the site.

LAND USE AND ZONING

The property is currently zoned R-2 Residential. Lands to the east and south are also zoned R-2 Residential. Land to the north and west is located in the Village of Walbridge. Utilities are available to the site and the Wood County Land Use Plan has designated the area where the parcels are located as being in an Employment Opportunity Center. There are no identified wetlands on the site however there is 100 Year Floodplain (Zone A) located across the entire site per FEMA FIRM Map 39173C0051D.

ATTACHMENTS

G. Location Map

STAFF ANALYSIS

The parcels in question currently exist as a non conforming use that existed prior to zoning in Lake Township. Additionally, a special use permit allows a truck servicing business to operate there. The applicants looking to purchase the land intend to use the land as a storage and service operation for their fleet of trucks. Before they purchase the land and begin operating on the parcels, they wish to have the correct zoning for the parcel. Per Lake Township's current zoning resolution, a B-3 Highway Business Zoning Classification is the best zoning classification for the proposed end use.

Per documentation provided by Lake Township, the Township has had ongoing conflicts with these parcels and the business located there, particularly with the improper zoning. By rezoning these parcels, the zoning would be current and correct.

As noted in the summary, the entire property is located in a 100 Year Floodplain. This means that if any new construction were to occur on this site, it would need to be done to the requirements set forth in Wood County's Flood Damage Reduction Regulations, and a Floodplain Development Permit would need to be issued for the work to occur.

In regards to the land use and the end use, the zoning classification does fit in with what's in the area currently as well as with what the Land Use Plan has slated this area for.

STAFF RECOMMENDATION

Given that the current use on this site is best suited for lands zoned B-3 Highway Business, and given that the site has historically been used for this type of use, it makes sense to have the zoning match up. An area of concern is the 100 Year Floodplain on the site. As noted above, any new buildings would need to meet the requirements set forth in Wood County's Flood Damage Regulations.

Based on the history of the Township having difficulty with this site and the willingness of a new owner to seek the proper zoning and bring whatever operation they chose to use the parcels for into compliance, it is the recommendation of the Wood County Planning Commission Staff that the Planning Commission recommend to Lake Township that the Township approve this request.