

Wood County Planning Commission
March 6, 2012 @ 5:30pm

The Wood County Planning Commission met in regular session on Tuesday, March 6, 2012 at the County Office Building in Bowling Green. Planning Commission members in attendance were: John Brossia, Jim Carter, Patrick Fitzgerald, Raymond Huber, Joel Kuhlman, Richard Kohring, and Leslee Thompson. Planning Commission staff in attendance was: David Steiner, Kelly Hemminger and Katie Baltz. 9 guests were present at the meeting.

Chairman Thompson called the meeting to order. Upon calling the meeting to order, Mr. Carter made a motion to approve the January 2012 Planning Commission meeting minutes. Mr. Kohring seconded the motion and Commission members responded in full support.

ACTIVITIES REPORT – JANUARY AND FEBRUARY 2012

Mr. Steiner introduced Mr. Joel Kuhlman, Wood County Commissioner. Mr. Steiner reported that work continued with Poggemeyer Design Group on the Wood County Subdivision Rules and Regulations update. Mr. Steiner reported research pertaining to oil and gas well drilling in relation to existing zoning regulations was completed and reported that a memo was drafted and distributed to all Wood County Townships. Mr. Steiner reported that the necessary environmental reviews had been completed for the FY11 CDBG Program and reported that the Villages of Bradner, Weston, and Portage and the City of Northwood projects had been released. Mr. Steiner reported the required first public hearing for the FY12 CDBG program had been conducted. Mr. Steiner reported that work was being done with Poggemeyer Design Group to complete the FY12 CHIP Application, which is due April 2, 2012. Mr. Steiner reported the Housing Advisory Committee had convened to review the goals and priorities of the FY12 CHIP Grant. Mr. Steiner reported a date was set for the Annual Tax Incentive Review Council (TIRC) meeting and reported that all annual reports had been mailed. Mr. Steiner stated that the Wood County Floodplain Variance Board convened in January to review a request to allow temporary storage of silage in a 100 year floodplain area. Mr. Steiner noted that the applicant was granted a variance to allow for the storage of silage for a period of 18 months. Mr. Steiner reported several reports had been completed, including the Annual GAAP Report, the Semi-Annual Economic Development Revolving Loan Fund Report, the Annual Other Program Income Report, and the Semi-Annual Housing Program Income Report.

MIDDLETON TOWNSHIP - ZONING

George Oravec of Oravec and Associates, on behalf of the Diocese of Toledo, had resubmitted a request to rezone approximately twenty (20) acres of land in Section 24 of Middleton Township from an A-1 Agricultural Zoning Classification to an R-3 Residential Zoning Classification. This request was originally submitted at the September 2011 Planning Commission meeting and was recommended for denial at that time due to issues concerning an abandoned cemetery at the site.

Mr. Steiner reported the property was located on the north side of Five Point Road, Fort Meigs Road was located approximately 1,300 feet to the east, Roachton Road was one mile to the north, and the westerly boundary of the City of Perrysburg was located directly to the east of the property. Mr. Steiner stated the property was currently farmed and reported the property was zoned A-1 Agricultural, and lands to the north, south, and west were also zoned A-1 Agricultural. Mr. Steiner reported that lands to the east were located within the City of Perrysburg and noted that the Wood County Comprehensive Land Use Plan had identified the area as an Urban – Small Town Expansion area. Mr. Steiner reported that no floodplains or wetlands were identified on the property and noted that utilities were available from both the City of Perrysburg and the Northwestern Water and Sewer District. Mr. Steiner noted that the utilization of utilities would likely require annexation into the City of Perrysburg as the area was outside of the 99 year annexation agreement area between the City of Perrysburg and Middleton Township.

Mr. Steiner reported the applicant was once again requesting to rezone the entire twenty acre parcel from an A-1 Agricultural zoning classification to an R-3 Residential zoning classification. Mr. Steiner stated that the applicants indicated that they desired to leave the north 3.746 acres of the parcel as a “cemetery conservation easement”, which would permit development of any area that could be part of the original cemetery. Mr. Steiner distributed copies of letters and attachments that were submitted to the Planning Commission office regarding the item.

When the item was turned over to Planning Commission members for review and discussion, Mr. Brossia questioned if any laws permitted development of the site. Mr. Steiner reported that he was unaware of any laws. Mr. Fitzgerald questioned if additional information had developed which showed remains were located on the property. Mr. George Oravec, consulting engineer for Diocese of Toledo, distributed a location map that highlighted the existing cemetery area and the cemetery conservation area. Mr. Oravec reported that the Diocese of Toledo archives indicated that the cemetery was located 14 rods from the northeast quarter. Mr. Oravec reported that the Diocese would like to reserve the north 235’ of the property for the Cemetery Conservation Area. Mr. Oravec reported the cemetery area could remain zoned A-1 Agricultural but indicated it may not preserve the cemetery, only exclude it from the zoning change. Mr. Oravec reported that the Diocese determined one method to preserve the land would be to prepare and record a cemetery conservation easement that would preserve the cemetery area for cemetery purposes. Mr. Oravec reported another, more desirable option for the Diocese, would be to deed the cemetery property to Middleton Township at no cost. Mr. Oravec reported that he was unaware if any gravesites or remains were present on the site and stated that forensic testing was not completed. Mr. Oravec reported that the cemetery had been in existence for over 100 years and stated that the Diocese was determined that the land remain used for cemetery purposes. Mr. Oravec requested that Planning Commission members consider a recommendation of approval of the rezoning request to Middleton Township. Mr. Oravec suggested if the northern portion were to be excluded from the rezoning request that a condition be added to the motion for it to be reserved for cemetery purposes or for Middleton Township to accept the property for cemetery purposes.

When the item was turned over to Planning Commission members for review and discussion, Mr. Fitzgerald questioned why the Diocese did not retain the cemetery. Mr. Oravec reported that the Diocese had no intentions to maintain a cemetery at this location. Mr. Carter questioned if the City of Perrysburg could change the zoning once it was annexed into the city. Mr. Oravec reported that the cemetery conservation easement would be a deed restriction and that it would run with the land in perpetuity. Mr. Kohring expressed concern that the property would be utilized for a play ground. Mr. Oravec reported that a preliminary plat would come before the Planning Commission and suggested that a fence be part of the preliminary approval. Mr. Black questioned if there was a buyer for the property. Mr. Oravec stated that interest had been shown from a developer. Mr. Black questioned if Mr. Oravec or his client were adverse to a Planned Unit Development (PUD). Mr. Oravec stated that he would discuss that option with the Diocese, and requested that the item be continued if that was a direction the Planning Commission members would like to take. Mr. Huber questioned what the advantage of a PUD would be over a straight rezoning. Mr. Steiner reported the PUD would require approval of both the zoning change and a footprint that would run with the land. Mr. Steiner reported if the developer decided they wanted to make a major change to the footprint, they would have to resubmit the application for approval. Mr. Black stated that a PUD may also allow for increased density within the development due to the preservation of the cemetery area. Mr. Oravec reported that he would discuss the option with his client, but indicated they were not interested in increasing the density.

Mr. Huber questioned if Middleton Township saw any benefit to acceptance of the cemetery property. Ms. Penny Getz, Chairman of the Middleton Township Trustees, asked Mr. Oravec if he had approached Middleton Township with his plan. Mr. Oravec indicated that he had not. Ms. Getz reported that a cemetery is an added expense for a township and indicated that the township would not want the property. Ms. Getz reported if the property was given to Middleton Township it could not be used as green space by the developer. Ms. Getz stated that it didn't make sense for Middleton Township to maintain the cemetery property when all of the surrounding property would likely be annexed to the City of Perrysburg. Mr. Oravec reported it was only a suggestion that had been made from the Diocese. Mr. Black questioned if the Diocese had considered annexing the property into the City of Perrysburg and then going through the zoning process. Mr. Oravec reported that the Diocese was not considering annexation but reported the property would need annexed to the city in order to obtain utilities.

When the item was turned over the audience for comments and questions, Mr. Mel Schwind, Perrysburg, questioned who would maintain the cemetery. Mr. Steiner reported that Middleton Township or the homeowners association would maintain the property. Mr. Oravec reported that the property would continue to be farmed if nothing was done. Mr. Huber questioned if any records revealed bodies had been interred. Mr. Oravec reported there were not and noted that the land had been farmed for over 100 years. Mr. Oravec stated that when the Diocese became aware that the cemetery existed, they were determined that it would remain a cemetery in perpetuity. Mr. Huber questioned if the Diocese could retain the property. Mr. Oravec reported that it could. Mr. Fitzgerald questioned what activities had taken place on the property since the Diocese had determined that the cemetery existed. Mr. Oravec reported that nothing had been done.

Mr. Fitzgerald reported he wasn't convinced that the cemetery would be preserved based on the actions of the Diocese. Mr. Oravec reported that the property had been farmed for 125 years and stated that he didn't believe the Diocese would immediately fence the area for preservation. Mr. Fitzgerald reported that he didn't believe the Diocese would ever preserve the land. Mr. Oravec reported that the property would be preserved if the use would change but it would remain farmland if not. Ms. Getz questioned where sewer access was located. Mr. Oravec reported sewers were located along Fort Meigs Road.

When the item was turned over to Planning Commission members for a motion, Mr. Black made a motion to table the item until the May 1, 2012 (60 days) in order to allow Mr. Oravec time to consult with the Diocese regarding a PUD development and additional time to research law regarding preservation of the cemetery. Mr. Huber seconded the motion. Mr. Kohring questioned if a cemetery was permitted within a PUD. Mr. Steiner stated he was not sure. Mr. Fitzgerald reported that a PUD was only a suggestion and noted that it would not necessarily be recommended for approval. Mr. Kuhlman questioned if the property would remain farmland if none of the proposals were approved. Mr. Steiner reported that he was correct. Mr. Kuhlman reported that if the property were developed the cemetery may be protected. Mr. Steiner reported that he would obtain a legal opinion from the Wood County Prosecutor regarding the cemetery property. Following the motion from Mr. Black and second from Mr. Huber, Planning Commission members responded in full support.

WOOD COUNTY SUBDIVISION RULES AND REGULATIONS

Mr. Steiner reported that the Planning Commission was working with Poggemeyer Design Group to update the Wood County Subdivision Rules and Regulations. He presented Planning Commission members with a draft copy of the updated regulations dated February 1, 2012. Mr. Kohring and Mr. Huber stated they had many comments on the draft regulations and reported that they would present them to Mr. Steiner. Mr. Steiner reported that the draft was created from the County Commissioners Association of Ohio (CCAO) model regulations. It was decided that Planning Commission members would review one section within the updated subdivision regulations each month.

DIRECTORS TIME

Mr. Steiner reported that after reviewing Katie Baltz's duties during her annual review, it was decided to submit her Administrative Assistant position for reclassification. Mr. Steiner reported that the job duties had increased and reported that a revised job description had been developed. Mr. Steiner reported that he had contacted Human Resources regarding the reclassification and reported the next step was to submit the revised job description to an outside source for their review. Mr. Steiner asked Commission members to make a motion to support the reclassification. Mr. Black made a motion to move forward with the reclassification. Mrs. Thompson seconded the motion and Commission members responded in full support.

There being no further discussion, the meeting stood adjourned with a motion from Mr. Black and a second from Mr. Kohring. Planning Commission members responded in full support.