

Wood County Planning Commission
May 3, 2011 @ 5:30pm

The Wood County Planning Commission met in regular session on Tuesday, May 3, 2011 at the County Office Building in Bowling Green. Planning Commission members in attendance were: Anthony Allion, Tim Brown, Jim Carter, Raymond Huber, Alvie Perkins and Leslee Thompson. Planning Commission staff in attendance was: David Steiner, Kelly Hemminger and Katie Baltz. 4 guests were also present at the meeting.

Chairman Allion called the meeting to order. Upon calling the meeting to order, Mr. Perkins made a motion to approve the April 2011 Planning Commission meeting minutes. Mr. Brown seconded the motion and Commission members responded in full support.

STAFF ACTIVITIES REPORT – MARCH AND APRIL 2011

Mr. Steiner reported that a meeting was conducted with Poggemeyer Design Group to discuss details of the update to the Wood County Subdivision Rules and Regulations. Mr. Steiner stated that FY10 Community Development Block Grant (CDBG) environmental reviews were in various stages of completion and noted that materials had been mailed to all political subdivisions and governmental agencies for the FY11 CDBG program. Mr. Steiner stated that the Toledo Fair Housing Center held a meeting at the Wood County Office Building regarding a foreclosure prevention grant program and also conducted a meeting in the Village of North Baltimore regarding Fair Housing Laws. Mr. Steiner stated that the annual Tax Incentive Review Council (TIRC) meeting was held to review all outstanding tax abatement agreements in Wood County and noted that all but one company submitted a report and no major errors or issues were found. Mr. Steiner stated the Wood County Floodplain Regulations had been edited and prepared for public hearing and adoption. Mr. Steiner reported that 5 rural address locations were issued and that 9 parcel splits containing approximately 150 acres and 6 parcel combinations containing approximately 300 acres had been completed.

PORTAGE TOWNSHIP - ZONING

The Portage Township Zoning Commission submitted an updated zoning resolution for review and recommendation by Planning Commission members. Changes included adjustments to the township's commercial and industrial requirements, changes to the minimum lot area for parcels in agricultural districts, the addition of transportation for hire language, and expanded home occupation and in the home business sections.

Mr. Steiner began his review and reported that the update was necessary to address the outdated Portage Township Zoning Resolution and deal with the issue of improperly zoned businesses that were operating within the township. Mr. Steiner reported that the Wood County Planning Commission had worked with Portage Township to update their zoning resolution for approximately 3 – 4 years. Mr. Steiner reported that changes included adjustments to commercial and industrially zoned areas, the addition of "transportation for hire" and "Owner Occupied Businesses", and increased minimum parcel size requirements in areas zoned Agricultural. Mr. Steiner reported the zoning resolution was typed and formatted by the Elmwood High School computer class.

Mr. Steiner reported several problem areas which warranted further discussion by the Planning Commission members including: the regulation of adult entertainment businesses and owner occupied businesses. Mr. Steiner believed adult entertainment businesses needed to be incorporated into the zoning text as a conditional use rather than a permitted use in industrial zoned areas. Mr. Steiner reported many organizational and typographical errors had been highlighted within the proposed zoning resolution, and noted that they would be forwarded to Portage Township for review. Mr. Steiner stated the biggest item that needed to be discussed was the inclusion of regulations for owner-occupied businesses that were drafted by the Portage Township Zoning Commission. Mr. Steiner reported the historical reason for this language stemmed from a large amount of commercial and industrial uses occurring within Portage Township on parcels of land zoned agricultural. Mr. Steiner reported that due to lack of enforcement over the years, these businesses were permitted and in some cases flourished. Mr. Steiner reported that the Portage Township Zoning Commission felt a good approach to the problem was to allow these types of uses to continue without requiring the land to be rezoned, providing that the operators of these businesses obtained a conditional use permit and complied with a series of restrictions on size of the workforce, size of accessory buildings, hours of operations, etc. Mr. Steiner reported that these businesses would be allowed to occur legally but would not result in the creation of a series of spot zoned parcels scattered throughout the township.

Mr. Steiner initially thought the inclusion of owner-occupied businesses would be a good solution to the townships problem, but after further research and discussion with the Wood County Prosecutors Office, he decided it was not the best approach. Mr. Steiner reported several potential problems included areas of the township operating as commercial/industrial that were zoned agricultural and property being taxed improperly.

Mr. Steiner stated that he believed Portage Township did a very good job updating their zoning resolution and suggested that Planning Commission members recommend approval with the exception of the inclusion of owner-occupied businesses. Mr. Steiner reported that the Wood County Prosecutors Office also recommended that Portage Township exclude the owner-occupied business language. Mr. Steiner reminded Planning Commission members that they would make recommendation to the Portage Township Zoning Commission and Portage Township Trustees would be responsible for the final decision.

When the item was turned over to Planning Commission members for review and discussion, Mr. Fitzgerald questioned what would need to be done to turn a horse barn into a vehicle repair shop under the current zoning resolution. Mr. Steiner stated that the property owner would need to apply to have the property rezoned to commercial. Mr. Brown questioned if it was possible to implement the proposed zoning and grandfather the existing businesses. Mr. Steiner stated that they could not because the businesses currently operating in the township were operating illegally due to lack of enforcement. Mr. Phil Shaffer, Portage Township Zoning Commission listed several businesses that were operating illegally within the township. Mr. Shaffer explained that most of the illegally

existing businesses were an asset and stated that they didn't want to push the businesses out of the township. Mr. Shaffer reported size limitations were established within the owner-occupied businesses regulations to regulate large scale commercial businesses.

Mr. Huber questioned if the Portage Township Zoning Resolution addressed a 100 year floodplain setback. Mr. Steiner reported that not all townships included floodplain development controls and reported that it could be made as a recommendation to Portage Township. Mr. Huber stated that the term "Professional Engineer" on page 11 should include the phrase "by the State of Ohio" since out of state engineers needed to be licensed to work in the State of Ohio. Mr. Steiner reported that he would make the suggestions to Portage Township. Mr. Brown questioned if the only option for Portage Township in regards to the illegal businesses was to create commercial and industrial spot zones. Mr. Steiner stated they could create spot zones or the businesses could relocate to a commercial/industrial area. Mr. Brown stated the goal was not to drive companies out of business but to get the zoning issue under control.

Mr. Shaffer stated that many of the existing businesses could be classified as owner-occupied businesses, but noted as businesses expand, they needed to be zoned commercial. Mr. Allion noted that the owner-occupied business section would allow Portage Township to get a handle on existing non-conforming uses. Mr. Steiner stated that townships were not allowed to do contract zoning. Mr. Fitzgerald questioned if owner occupied businesses could be a conditional use. Mr. Steiner reported the regulations were drafted that way, but explained that it allowed a commercial business to operate on property that was zoned agricultural. Mr. Brown question if taxation was based on zoning. Mr. Steiner reported that he was unsure and reported a building permit could trigger a reappraisal to be done by the auditor's office. Mr. Carter reported that agricultural buildings are exempt and do not require a building permit. Mr. Brown reported that a commercial building that hadn't been properly inspected could be a large liability. Mr. Shaffer stated that the construction of agricultural buildings needed to be reported to the State of Ohio and noted that he required a zoning permit also.

Mr. Brown questioned what Portage Township hoped to accomplish with the proposed zoning resolution. Mr. Shaffer stated that he wanted to maintain good relationships while enforcing zoning. Mr. Brown stated that a citizen could possibly sue a township if they filed a zoning complaint and it is not resolved. Mr. Brown suggested that Portage Township should start enforcing their zoning by making business either rezone or relocate non-agricultural business operations. Mr. Shaffer stated that existing non-conforming uses were scattered throughout the township.

Mr. Allion questioned if in the home businesses were permitted. Mr. Steiner stated that in the home businesses were permitted in Portage Township and noted that the in the home business needed to be completely confined within the home. Commission members discussed recommending to Portage Township that they approve the proposed zoning resolution with the suggestion that they remove the owner occupied business language. Mr. Brown stated they should take a tougher stance and recommend to Portage Township that they require the property to be rezoned or have the property owner relocate their

business. Mr. Carter stated for legal reasons, he believed they should take the tougher stance. Mr. Allion stated that the township could then decide to rezone the property as a spot zone. Mr. Huber stated that he would not endorse a spot zone if it was brought before the Planning Commission.

Mr. Brown stated that a conditional use permit which allowed commercial activity on an agriculturally zoned property would be less permanent than a spot zone. Mr. Brown questioned if there would be a liability issue if a commercial building wasn't properly inspected. Mr. Brown stated that building inspection would require upgrades to commercial buildings.

After a lengthy and detailed discussion, Mr. Fitzgerald made a motion to recommend approval of the proposed Portage Township Zoning Resolution with the following conditions:

- Consider adding additional language to the owner occupied business section of the resolution to reduce the possible repercussions in the form of legal actions against Portage Township. Consult the Wood County Prosecutors Office.
- Consider the addition of a set back from ditch banks, rivers, creeks, etc for all structures.
- Addition of the required language in the Administration Section that outlines the organization, powers, and duties of the Zoning Commission.
- Correct numerous typographical and editing errors.
- Make Adult Entertainment a conditional use in an Industrial Zone.

Mr. Brown seconded the motion and Commission members responded in full support.

DIRECTORS TIME

Mr. Steiner informed Planning Commission members that Poggemeyer Design Group submitted a proposed scope of services for the update of the Wood County Subdivision Regulations and a proposed cost that will not exceed \$22,750. Mr. Steiner stated he would move forward with the update as long as there was no opposition. Mr. Brown strongly suggested that a 200 year stormwater detention area should be considered for new developments.

Mr. Steiner reported that the Wood County Floodplain Regulations needed to be updated in order to address the new floodplain maps. Mr. Steiner reported that the Ohio Department of Natural Resources conducted a workshop for Wood County communities to inform them about required updates to their Floodplain Regulations. Mr. Steiner reported that public hearings were scheduled for May and the proposed Floodplain Regulations would be effective in June. Mr. Steiner reported the new floodplain maps would be effective in September.

Mr. Steiner reported the FY11 Community Development Block Grant project selection would be held at the July 5, 2011 Planning Commission meeting rather than the June 7, 2011 meeting.

Mr. William Barber and Mr. Mike Stoll from the Northwestern Water and Sewer District gave Planning Commission members a presentation regarding proposed and on-going water and sewer projects within Wood County. Mr. Steiner reported that Northwestern Water and Sewer District projects would tie directly into land use decisions that are made by Planning Commission members.

There being no further discussion, Mr. Fitzgerald made a motion to adjourn the May 4, 2011 Planning Commission meeting. Mr. Brown seconded the motion and Commission members responded in full support.