



**WOOD COUNTY PLANNING COMMISSION
AGENDA
APRIL 7, 2015 at 5:30 PM**

The Wood County Planning Commission will meet in regular session on Tuesday, April 7, 2015 at the County Office Building in Bowling Green, Ohio. The time of this meeting is 5:30 pm. A suggested agenda follows:

OLD BUSINESS

NEW BUSINESS

Approval of the March 2015 Planning Commission Meeting Minutes.

WOOD COUNTY PLANNING COMMISSION STAFF ACTIVITIES REPORT

Staff activities for March 2015 will be reviewed.

SUBDIVISION – LAKE TOWNSHIP

FWB Inc. on behalf of DMWW Properties LLC has submitted a final plat entitled "Freedom Estates Plat Two" for review and final approval. Said plat involves the subdivision of the existing Lot A within the Freedom Estates Subdivision. Lot A currently exists as open space and the applicants would like to subdivide this open space into two new residential building lots and one open space lot. The proposed plat is located in the Existing Freedom Estates Subdivision located in Section 12 of Lake Township on the east side of Bradner Road. This item was reviewed at the March 2015 Planning Commission meeting, and was ultimately tabled until such time that more information concerning the nature of the plat could be gathered. This has occurred and the item is back on the agenda.

SUBDIVISION – MIDDLETON TOWNSHIP

ESA Engineers have submitted a plat entitled "Saddlebrook Plat Thirteen" for final plat approval. The plat consists of fourteen single family lots and covers approximately 4.9 acres of land. This plat is the thirteenth phase of development in the existing Saddlebrook Subdivision. The plat is located in the existing Saddlebrook Subdivision, in the northwest portion of the subdivision. Saddlebrook Plat Twelve borders the plat to the north, Saddlebrook Plat Four is to the east, and unplatted lands that are part of the overall Saddlebrook development border the plat on the south and west.

Agenda continued on page two.

**AGENDA – PAGE TWO
WOOD COUNTY PLANNING COMMISSION
APRIL 7, 2015 AT 5:30 PM**

CHAIRMAN’S TIME

Bylaws Update

DIRECTOR’S TIME

FY15 CDBG Grant

ADJOURNMENT

Please make plans to attend!

ITEM # 1: SUBDIVISION – LAKE TOWNSHIP

APPLICANTS

Louisville Title Agency
626 Madison Avenue
Toledo, OH 43604

F.W.B. Inc.
5225 Secor Road
Toledo, OH 43623

PROPOSAL

F.W.B. Inc. on behalf of Louisville Title and DMWW Properties LLC have submitted a final plat for a three (3) lot subdivision - replat entitled "Replat of Outlot A Of Freedom Estates" in Section 12 of Lake Township. This item was on the March 2015 Planning Commission agenda, however it was tabled until such time that a series of questions – concerns that the Planning Commission had with the subdivision -replat could be answered and addressed. The applicant and the Planning Commission Staff have addressed these items, and the item is being placed on the April 2015 Agenda. The subdivision - replat itself contains two (2) residential building lots and one (1) open space lot. The proposed plat covers approximately 1.66 acres of land. This plat has been created by splitting the existing open space lot entitled "Outlot A" within the larger Freedom Estates Subdivision.

LOCATION

The proposed plat is located in Section 12 of Lake Township. More specifically, the proposed plat is located in the far northwestern corner of the existing Freedom Estates Subdivision. North Freedom Drive borders the southern property line of the proposed plat, and a small portion of the frontage on the west edge of the plat is bordered by Bradner Road. Walbridge Road is located approximately 1,150 feet to the north, and Woodville Road is approximately 1,700 feet to the south.

LAND USE AND ZONING

The property underlying the proposed plat is zoned R-1 Residential. Lands to the east, north and south of the proposed plat are also zoned R-1 Residential. Lands to the west are zoned R-2 Residential. The underlying property of the proposed plat lies within an agricultural area and directly east of an urban infill area as designated by the Wood County Land Use Plan. Per the National Fish and Wildlife's Wetland's Map Program, there are no identified wetlands on this parcel. There is a portion of 100 Year Floodplain located on the proposed lots. The plat engineer's have designed said lots so that the building envelope of the lots are outside of the 100 Year Floodplain. In regards to utilities, all utilities are available to the parcel. Land use in the area is medium density residential.

ATTACHMENTS

- 1 - A. Location Map
- 1 - B. Plat Map
- 1 - C. Prosecutor's Opinion
- 1 - D. Open space calculations
- 1 - E. Letter from applicants' legal counsel

STAFF ANALYSIS

As stated above, the proposed plat contains two (2) residential building lots and one (1) lot reserved for open space. The plat is being designed by subdividing an existing open space lot within the Freedom Estates Subdivision which is currently known as Outlot A. If the plat as presented is given final approval, than it will stand as a re-platted lot within the existing Freedom Estates subdivision. More specifically, it would be treated the same as a replat that comes into existence after combining two existing lots within an existing subdivision into one new lot of record.

Following this line of thought, the applicants have renamed the proposed subdivision "Replat of Outlot A of Freedom Estates".

At this juncture of the staff analysis, a history of the Freedom Estates Subdivision needs to be presented in order for Commission members to gain more insight into this proposal.

The entire Freedom Estates Subdivision had originally been created by the Dold Development Company in 2003. The plat of Freedom Estates was granted preliminary approval by the Planning Commission in January of 2004. The plat at that time consisted of 30 single family lots, a dry retention basin, and one open space lot on approximately seven acres of land. The plat was then granted final approval in January of 2005. In the intervening years after final approval, the Dold Development Company filed for bankruptcy, and the unsold portion of Freedom Estates went into bank dictated receivership. In 2010 – 2011, the unsold lots including the retention basin and Lot A, the open space lot were purchased by DMWW Properties LLC.

Shortly after this purchase, a proposed plat similar to what has currently been submitted for review had been brought before the Planning Commission in 2011. At that time, the proposal was similar to this latest version; Lot A was to be subdivided into three (3) new lots. In addition to the platting of Lot A, the applicants had also proposed to widen the dry detention basin that was serving as the subdivision's stormwater retention basin. The basin was to be widened and turned into a lake that would serve an aesthetic and detention purpose. This plan was granted preliminary approval by the Planning Commission at their April 2011 meeting. A final plat was presented to the Planning Commission at the August 2011 meeting. At that time, there was considerable protest and concern from existing homeowners within the subdivision. The protests and concerns stemmed primarily from the question(s) as to whether or not the new owners of the plat actually legally owned the retention basin and Lot A. There were also questions as to where the boundaries of the basin were in relation to the rear lot lines of the existing lots within the subdivision. The final plat was denied by the Planning Commission and as part of the denial motion, an additional motion was made to seek legal guidance from the Wood County Prosecutor's Office as to the ownership of the basin and Outlot A, as well as if Outlot A could be platted into a new subdivision.

The resulting Prosecutor's Opinion (a copy of which is included as an attachment for this item) concluded that the new owners of the unsold lots as well as the retention basin and Outlot A were the full, legal owners. The opinion also stated that the basin could be converted into a lake. With this information, the new plat owners proceeded with converting the retention basin into a lake. They did not, until recently, proceed with trying to create a new subdivision from Outlot A.

As for the conversion of existing Lot A into a new plat, the Planning Commission Staff specifically asked the Prosecutor's Office in the aforementioned opinion request whether or not Outlot A could be subdivided. The resulting opinion was that Outlot A could be subdivided into a new plat only if the Planning Commission decided that subdividing Lot A does not "injuriously affect" the existing lot owners within the existing plat. If the Commission decides that subdividing the open space lot does indeed injuriously affect the existing lot owners, then all owners of the lots affected by this change would need to consent in writing to this change.

The next item that warrants further analysis is the issue of maintenance, specifically the petitioning process for placing the storm water and drainage infrastructure of a plat under County maintenance. Under the new Subdivision Rules and Regulations, all newly created plats need to have their stormwater and drainage systems placed under County maintenance. The purpose of this requirement is to ensure that there are sufficient funds in place for the County Engineer's Office to maintain and repair these systems as needed. The maintenance requirement also gives the County Engineer's Office the authority to maintain and repair these systems. The philosophy behind this requirement is to eliminate the common occurrence of the stormwater and drainage systems in existing plats failing and or needing repairs. The landowners within the plat look to the County Engineer to fix the problems, however the Engineer has no authority or funds to do so. As a result, the costs for maintenance and repair fall back on the homeowners. Under the maintenance process, a landowner applies to the Wood County Commissioners under the ditch maintenance provision of the Ohio Revised Code. By doing this, a landowner is agreeing to pay an assessment on their property taxes. This assessment then goes into a dedicated fund which the Engineer's Office draws from when a ditch, storm sewer or drainage system needs repaired.

As far as the 100 Year Floodplain is concerned, if the plat is approved and these lots become developed, than whoever purchases and develops these lots will need to coordinate with the Planning Commission Office for the proper floodplain review and permitting process.

In regards to additional plat specifics, the proposed replat meets Lake Township's minimum lot requirements for lots zoned R-1. All of the required infrastructure such as streets, curbs, sidewalks, water and sewer are already in place. The 5% open space requirement continues to be met when the redesigned open space on Outlot A is combined with the other open space found in the stormwater detention pond located in the center of the plat.

The Wood County Engineer reviewed the plat for items specific to their Office, as did the Planning Commission Staff. In both instances, the errors – issues found were minimal ones, more specifically, items inconsequential enough that they should not be used in rendering a final decision on the plat. If the plat is approved, these items will be corrected by the applicant before the plat is released for recording.

At this point in the narrative, the three (3) questions that spurred the motion to table this item at the March 2015 meeting will be addressed and analyzed.

Question 1: If this proposed plat is being presented as a new subdivision, is the original subdivision's open space requirement still valid? The confusion on this item at the March meeting can be attributed to information the Director provided concerning the nature of how the plat was being designated. Originally, it was the opinion of the Director that the newly proposed plat would be a separate, "stand alone" subdivision if it were granted approval. If this was the case, then the open space in the remaining plat of Freedom Estates would not meet the minimum 5% requirement as set forth in the Subdivision Regulations. After reviewing this first question, the Director is now of the opinion that the subdividing of the existing Outlot A is in fact a replat of the existing Outlot A, and does not create a separate stand alone subdivision. The applicant is replatting, or more specifically, redesigning Outlot A as it currently exists in the overall Freedom Estates subdivision. It is no different than when the Commission reviews a proposal to combine two separate lots in a platted subdivision into one new lot of record. The end result is not a new plat, but rather a new lot that has been adjusted from the original plat. In the case of this replat, the remaining open space in Lot A is combined with the other open space found in the remaining area of the plat. Additionally, the applicant has renamed the plat "Replat of Outlot A of Freedom Estates" to clarify the fact that what is being presented is a replat of Outlot A, not an entirely new plat.

Following that logic, this plat as presented does not compromise the 5% open space requirement. The remaining open space created after replatting Outlot A coupled with the existing open space found in the stormwater detention pond combines to still meet the 5% open space requirement. The engineer for the plat has also forwarded his open space calculations to the Director and these figures confirm that the 5% open space requirement is still being met.

The next question pertained to the issue of "injuriously affecting" the existing lot owners in Freedom Estates, specifically how many lots are currently owned by the applicant and how many are owned by other parties.

After researching this, it has been determined that out of a total of thirty (30) residential lots, thirteen (13) are owned by the applicant with the remaining seventeen (17) owned by other individuals.

The last question Commission members wanted answers to was whether or not better communication between the applicant and the other lot owners could occur.

In a letter dated March 17th, 2015, and addressed to the Planning Commission members (a copy is attached), legal counsel for the applicant states that communication has occurred between the parties and that the applicants worked to resolve the previously noted controversy surrounding the conversion of the retention basin into a pond. It does not make mention of any communication after that incident, but it does contain the statement the applicant is open to any communication between existing lot owners and themselves.

STAFF RECOMMENDATION

As evident in the analysis above, this item is a fairly complex one. Even with the three questions that arose from the March meeting answered to the best of the Planning Commission Staff and the applicant's abilities, there are still significant elements that need to be considered when Commission members render a decision on this item.

In the Planning Commission Staff's opinion, the most significant item that the Planning Commission members need to consider is the actual subdividing of Outlot A. The previously noted Prosecutor's Opinion clearly states that the Planning Commission must decide whether or not subdividing – platting Outlot A as it currently exists constitutes as “injurious” affecting the existing landowners in Freedom Estates.

The argument can be made that it does in fact affect the landowners negatively. This argument is based on the fact that the existing land owners bought lots in Freedom Estates with the understanding that Lot A in its entirety was to be open space, not a reduced amount of open space as presented in this plat.

Conversely, the argument could be made that having Outlot A converted into a new plat might benefit the existing lot owners in that the open space will be maintained and landscaped.

As for an actual staff recommendation, the Planning Commission Staff concludes that any action taken on this proposal needs to be decided after detailed review and consideration of all of the items and issues listed in the plat analysis. The Planning Commission Staff feels that this is an item where any decision made stems from the Planning Commission member's review of the items presented.

ITEM # 2: SUBDIVISION – MIDDLETON TOWNSHIP

APPLICANTS

ESA Engineers
5353 Secor Road
Toledo, OH 43623

Midland Agency of NW Ohio
401 Adams Street
Toledo, OH 43604

PROPOSAL

Applicant has submitted a plat entitled “Saddlebrook Plat Thirteen” for final plat approval. The plat consists of fourteen single family lots and covers approximately 4.9 acres of land. This plat is the thirteenth phase of development in the existing Saddlebrook Subdivision.

LOCATION

The plat is located in the existing Saddlebrook Subdivision. This particular phase is in the northwest portion of the subdivision. Saddlebrook Plat Twelve borders the plat to the north, Saddlebrook Plat Four is to the east, and unplatted lands that are part of the overall Saddlebrook development border the plat on the south and west.

LAND USE AND ZONING

The underlying plat property is zoned R-3 Residential. Lands surrounding the plat are also zoned R-3.

ATTACHMENTS

- 2 - A. Location Map
- 2 - B. Plat Map
- 2 - C. Letter from Wood County Engineer

STAFF ANALYSIS

This plat is the thirteenth phase of development in the overall Saddlebrook Subdivision. The particular plat will contain the following plat improvements: sidewalks, streets with back to back paving and curbs and gutters, public water and sanitary sewer, and other utilities such as gas, electric and cable.

Fourteen single family residential lots are being proposed. Lots will have access through the extension of Addington Court. As presented, there are some lots located on the curvature portion of Addington Court which do not meet Middleton Township’s minimum lot frontage requirements for lots in an R-3 District. In subsequent conversations with Middleton Township and the Engineer of the plat, it has been decided that the non conforming lots will be reconfigured so that all of the lots along the curve of Addington Court will be in conformance with Middleton Township zoning requirements.

In regards to items on the plat that are of concern to the Planning Commission, these appear to have been met.

There have been a series of items and issues with the plat identified by the Wood County Engineer's Office that their Office is concerned with. A letter identifying these items – issues is attached.

STAFF RECOMMENDATION

It is the opinion of the Planning Commission Staff that given the location of the plat as well as its inclusion into the larger, previously established Saddlebrook Subdivision, there is no reason not to grant approval of Saddlebrook Plat Thirteen. The condition of approval will need to be that the lots identified earlier in this narrative be adjusted – redesigned to meet Middleton Township's minimum lot frontage requirements.

In closing, it is the recommendation of the Wood County Planning Commission Staff that the Planning Commission grant final approval to Saddlebrook Plat Thirteen with the condition that the non conforming lots are adjusted to meet the required frontages for Middleton Township.

ITEM #3 – WOOD COUNTY PLANNING COMMISSION BYLAWS

PROPOSAL

The Planning Commission will review a draft version of an update to the current Wood County Planning Commission Bylaws. The desired outcome of this review is to have the Commission vote as to whether or not to adopt the Bylaws.

STAFF ANALYSIS

In late 2014 it was mentioned to the Chairman of the Planning Commission that the current bylaws that the Planning Commission operates under were quite antiquated and needed to be replaced with bylaws that incorporated issues and procedures the Planning Commission currently follows that were not found in the original bylaws. In the interest of updating the current bylaws, a special committee was formed to review and draft new bylaws.

This committee met in February of 2015, and the result of this meeting was an updated set of bylaws. This version contains updated information and procedures that accurately reflect how the Planning Commission currently operates.

The formal adoption process of these bylaws is as follows:

- (a) A copy of the proposed amendment shall be delivered to the Secretary at least 15 days in advance of the next regular meeting of the Commission or a petition signed by at least five members setting forth the proposed amendment shall be delivered to the Secretary at least 15 days in advance of the next regular meeting of the Commission. *(This was done when the draft of the new bylaws were given to the Planning Commission Staff for drafting in February 2015)*
- (b) The Secretary shall thereafter, but not less than ten days prior to the next regular meeting of the Commission forward to each member of the Commission a copy of such proposed amendment together with a notice that it will be the subject of action at the next regular meeting of the commission. *(This was done when the Planning Commission Staff emailed the new draft bylaws to the Commission members. There was notice that stated when the bylaws were to be considered. It was only mentioned that said bylaws were to be reviewed and discussed at a future Planning Commission meeting)*

After drafting and transmittal of the new or amended bylaws, the proposed amendment(s) shall be presented at the next regular meeting of the Commission and be considered as moved and seconded for adoption. Such amendment shall be deemed adopted upon receiving the affirmative vote of a majority of the members of the Commission.

STAFF RECOMMENDATION

As previously noted, the current bylaws are antiquated and are no longer sufficient enough to govern the operation of the Planning Commission and the Office of the Planning Commission. Given this, an update was desperately needed.

Given these facts, it is recommendation of the Wood County Planning Commission Staff that the Planning Commission adopt these new bylaws.

Attachments

3 – A: Copy of the proposed bylaws