

Wood County Planning Commission
August 5, 2014 @ 5:30pm

The Wood County Planning Commission met in regular session on Tuesday, August 5, 2014 at the County Office Building in Bowling Green. Planning Commission members in attendance were: John Alexander, Rob Black, John Brossia, Doris Herringshaw, Raymond Huber, Scott Lockwood, Donna Schuerman and Leslee Thompson. Planning Commission staff in attendance was: David Steiner and Katie Baltz. Four (4) guests were present at the meeting.

Old Business

Upon calling the meeting to order, Mr. Black asked for a motion to approve the July 2014 meeting minutes. Ms. Thompson made a motion to approve the July 2014 Planning Commission meeting minutes. Ms. Schuerman seconded the motion and Commission members responded in full support.

New Business

STAFF ACTIVITIES REPORT

Mr. Steiner reported that Planning Commission staff would report office activities at the September 2014 Planning Commission meeting.

SUBDIVISION – PERRYSBURG TOWNSHIP

Feller Finch & Associates had submitted a final replat entitled “Replat of Lots 7 & 8 in Cambridge” on behalf of a Peter and Catherine Calderon. The applicants wished to build an extension to their existing home. To properly undertake this type of development and remain in compliance with Perrysburg Township Zoning, a replat combining the existing lots into one new had to occur.

Mr. Steiner reported that this item was originally intended to be heard at the June 3, 2014 Planning Commission meeting. Before the meeting, it had been removed from the agenda per a request from the engineer of the plat. It had been resubmitted for the August 2104 meeting.

Mr. Steiner began his presentation by showing that the lots were located on the north side of Jacqueline Place, Bates Road was located approximately 1020 feet to the east and River Road was approximately 560 feet to the north.

Mr. Steiner reported that the underlying plat property was zoned R-1 Rural Residential, as was the land surrounding the lots. Mr. Steiner noted that there were no floodplains or wetlands on the property, all utilities were available, and land use in the area consisted of low to medium density residential.

Mr. Steiner noted that the sidewalk ran in front of one of the lots and noted that the sidewalks would need to be installed along the rest of the newly combine lot unless there

was other information from the homeowner's association and/or the applicants that stated that sidewalks can't or don't need to be installed.

Mr. Steiner stated that the Wood County Engineer's Office found the following minor errors with the plat:

1. The callouts for the adjoiners along the westerly and northwesterly lines were missing in the legal description.
2. There were some additional scrivener's errors in the legal description.
3. Some deed volumes and pages were missing on the drawing.
4. The owner(s) name should be called out in the drawing.
5. A couple of items should be added to the legend.
6. There were some errors in the certifications.
7. All lettering should be 0.125 inches high and black since the plat would be reduced to 11 inches by 17 inches.

Mr. Alexander asked the Engineer's Office to give an example of the "additional scrivener's errors" noted in #2 of the list of plat errors. Mr. John Musteric, Wood County Deputy Engineer, explained that there were a couple of misspellings, adjoiners were not called out that should have been, bearings were listed incorrectly, and minor name corrections were needed under the certification section.

Mr. Alexander asked if these errors were considered major or minor errors. Mr. Huber stated that these errors were considered minor.

Mr. Allion questioned the difference of the location of the cul-de-sac between the aerial photo and the plat drawing. Mr. Greg Feller noted that the cul-de-sac was already in place and no right-of-ways were being altered. Mr. Musteric noted that the drawing was somewhat confusing but the cul-de-sac was in place already and was not being altered.

There being no further discussion, Mr. Allion made a motion to approve the "Replat of Lots 7 & 8 in Cambridge" in Perrysburg Township based on the above mentioned changes that needed to be made. Ms. Herringshaw seconded the motion and Commission members responded with a vote of 8 in favor, none opposed, motion carried.

SUBDIVISION- MIDDLETON TOWNSHIP

Mr. Black noted that this item had been removed from the agenda per the applicants' request. Mr. Black also noted that if this item were re-submitted, the plat would need to show the pipeline and easement going through the area.

SUBDIVISION- LAKE TOWNSHIP

Feller Finch & Associates had submitted a final plat for a two (2) lot subdivision entitled "Shaelyn Place" in Section 11 of Lake Township on behalf of Mr. George Walker.

Mr. Steiner noted that the subdivision contained two (2) lots and covered approximately 5.2 acres. Mr. Steiner stated that the purpose of the subdivision was that the owner/applicant wished to create an additional parcel split on the property, however, the number of minor parcel splits allowed on an original tract of land had been exceeded.

Mr. Steiner stated that the proposed plat was located in Section 11 of Lake Township on the east side of Pemberville Road between Walbridge and Ayers Roads.

Mr. Steiner reported that the Wood County Land Transfer Policy and Planning Commission Office Policy stated that a parcel of land was allowed to have a total of four (4) minor parcel splits, which were splits under five (5) acres in size, off of an original tract of land. Mr. Steiner stated that an original tract was defined as how the parcel existed in 1961. Mr. Steiner noted that the applicant's parcel had already been split four (4) times, therefore their only recourse to gain another split was to create a two (2) lot major subdivision.

Mr. Steiner noted that the applicants had requested waivers from the Wood County Subdivision Rules and Regulations for the improvements required under the Regulations such as sidewalks, open space, right of way dedications etc., which was typically seen for subdivisions of this nature. Mr. Steiner reported that the Planning Commission would decide whether these waivers are granted or not.

Mr. Steiner stated that the property underlying the proposed plat was zoned R-2 Residential, that lands surrounding the parcel on all sides were also zoned R-2, and the underlying property of the proposed plat was within an expansion area as designated by the Wood County Land Use Plan. Mr. Steiner noted that there were no floodplains or wetlands on this parcel, and that all utilities were available to the parcel. Mr. Steiner stated that land use in the area was medium density residential, and that the proposed lots met Lake Townships zoning requirements.

Mr. Steiner noted that the Engineer's Office had also reviewed the plat and had identified errors and concerns in a letter addressed to the Planning Commission.

Mr. Steiner stated that plats of this nature were relatively rare and that the last one heard and approved by the Planning Commission was in 2003 and was located on a parcel of land in Grand Rapids Township. Mr. Steiner stated that the situation was the same in that the applicants wished to create a minor parcel split from a parcel that had already exceeded the amount of minor splits available to it.

Mr. Alexander asked if the plat met the process required for an application for plat approval. Mr. Steiner noted that the application met the requirements of the Planning Commission Office; however it had not met the plat requirements of the Wood County Engineer's Office, and would not be considered complete.

Mr. Alexander stated that the Planning Commission had a responsibility to other elected officials who could be charged with civil offenses if they accepted documents for recording that weren't justified. Mr. Alexander then made a motion to deny the application, Ms. Thompson seconded the motion.

Mr. Feller asked if the application were denied rather than deferred if there would be time restrictions. Mr. Steiner stated that if the plat were corrected it would need to be submitted by August 12th for consideration at the September meeting.

Mr. Brossia asked if the Planning Commission would have approved this plat even if all the plat requirements had been met. Mr. Allion stated that maybe a discussion should take place in order to determine if the Planning Commission would consider other reasons that this plat should or should not be approved.

Following additional discussion, Mr. Lockwood questioned what the rationale behind the policy limiting the number of parcel splits was. Mr. Steiner stated that he interpreted the spirit of the policy was to limit the amount of minor parcel splits in rural areas and limit sprawl.

Ms. Thompson asked if the proposed plat was a good use of the land. Mr. Steiner stated that he thought it was because the utilities were already there, and it was near other subdivisions.

Mr. Musteric noted that the County Engineer would look at drainage on plats, and if small subdivisions are allowed to waive subdivision requirements, the drainage would not be reviewed. Mr. Black noted that drainage is an important aspect in Wood County and requirements should not be waived. Mr. Allion stated that drainage is important, and that all of the waivers shouldn't be granted automatically, and should be reviewed and considered individually.

Mr. Alexander reiterated his motion for denial of the plat as presented, there being no further discussion, the planning commission voted 8 in favor, none opposed, motion carried.

ZONING – TROY TOWNSHIP

The Troy Township Zoning Commission had drafted and submitted a new section to the Supplementary Land Use Regulation section of the current Troy Township Zoning Resolution.

Mr. Steiner stated that Troy Township and other townships had been having a reoccurring problem with landowners building barns and outbuildings on agriculturally zoned parcels and not seeking permits for said structures. Mr. Steiner stated that the reason often cited by landowners was that the underlying parcel was zoned Agricultural, therefore they felt that agricultural type buildings like barns and sheds do not need zoning permits even if they weren't being used for agricultural purposes.

Mr. Steiner stated that he had reviewed the proposed language with the Prosecuting Attorney's Office, and it was the opinion of that Office that the language as presented was somewhat wordy and confusing and while the spirit of the language was good, the actual language needed revised.

Following a discussion about the extended amount of time it could take to get revised language back from the Prosecutors Office, Mr. Black suggested that the Commission accept the language as written and suggest that the Township bring the revised language back to the Planning Commission if and when it were drafted.

Earl Hagg, Troy Township Zoning Commission explained that he had sought input from the Wood County Assistant Prosecuting Attorney as well as from two separate attorneys, which resulted in the language that was submitted.

There being no further discussion, Mr. Alexander made a motion to recommend that Troy Township approve the zoning language as presented, Ms. Thompson seconded the motion, Commission members responded in a vote of 8 in favor, none opposed, motion carried.

DIRECTOR'S TIME ITEM

Mr. Steiner stated that the Wood County Commissioners had recently drafted and adopted a new version of the Wood County Employee Handbook that sets forth guidelines and establishes policy concerning items such as vacation accrual, sick leave, discipline processes, etc.

Mr. Alexander noted that the term appointing authority is used to identify who is covered by the manual, and asked if the Planning Commission is even able to be defined as an appointing authority and if the document applied to the Planning Commission Office.

Mr. Black noted that the Planning Commission was listed as a board/commission and not as an independent county agency on the County's organizational chart and suggested that a legal opinion was needed to answer Mr. Alexander's question.

Mr. Steiner stated that he could request a representative from the Prosecutor's Office and an HR representative from the Commissioners' Office to attend the next Planning Commission meeting to answer questions.

Mr. Steiner stated that volunteers were needed in order to conduct his annual employee review. Mr. Black and Mr. Alexander volunteered to be part of Mr. Steiner's annual review.

Mr. Steiner stated that the subdivision Rules and Regulations had been approved, passed and were now in effect.

Mr. Huber stated that the County Engineer was considered a technical advisor to the Planning Commission, and not responsible for checking for errors for paid consultants. Mr. Huber stated that if more than 5 or 6 errors were found on future plats that they would not be reviewed any further. Mr. Huber noted that applicants have two options; Consultants could follow the rules and checklists in place and do their job correctly, or could meet with the County Engineer's Office to walk through the items before it was submitted for approval.

Mr. Black asked Commission members for their thought on the matter. Mr. Brossia agreed that rules are rules. Mr. Lockwood asked if the Planning Commission had to put a policy or procedure in place for this to occur. Mr. Black stated that nothing would need to be passed. If the applicant hadn't met the checklist requirements at the Engineer's Office

then the application should be considered incomplete. Ms. Thompson agreed and noted how homeowners were paying these engineers for a service and they weren't doing their jobs and causing extra work for the county's offices. Ms. Herringshaw agreed and stated that the homeowners are paying a lot of money and were not getting the product they should be getting.

Ms. Schuerman stated that she was ok with this, however, some items need to be re-visited after 40 years and exceptions to rules needed to be considered for that particular timeframe. Mr. Allion stated that maybe applicants needed to know what the process was for a plat, and that a plat that was 98% ready to go would be able to go through the application process.

Mr. Alexander asked if the Planning Commission could take the position as a public body to jurisdictionally deny access because there were too many errors on the product submitted, and stated concern that the County Engineer would become gatekeepers of Planning Commission's views. Mr. Black stated that the application was based on specific information required and he wasn't sure if the Planning Commission was required to start the process until it met the approval.

Mr. Musteric stated that there was a preliminary plat approval process which included a list of all things that should be on the plat. Mr. Black noted that a conceptual plan could be reviewed before the actual plat to get comments and suggestions. Mr. Steiner agreed that there was a set list of what was required for plats and it required that plats be reviewed by the staff of the Planning Commission Office and the Engineer's Office.

Mr. Huber stated that the new subdivision site improvement manual very clearly listed all of the requirements and if applicants followed the checklists the review should be minimal and the Engineer's Office should be able send a letter of recommendation.

Mr. Steiner asked about how the review could occur in the amount of time allowed before the meeting and that his concern was that the applicant met the plat submission deadline, plats were sent out for review, but the review from the Engineer's Office came back after Planning Commission agendas were already sent out. Mr. Steiner stated that this would need to be worked out with the Engineer's Office.

Mr. Allion suggested that a possible tool for the planning commission to use in the future could be to table these items rather than approve or deny them, and bring them off the table when the issues had been resolved.

Mr. Alexander requested that in future agenda packets, items be grouped together by the agenda number.

There being no further discussion, Ms. Schuerman made a motion to adjourn the August 5, 2014 Planning Commission meeting. Ms. Thompson seconded the motion and Commission members responded in full support.