



**WOOD COUNTY PLANNING COMMISSION
AGENDA
DECEMBER 2, 2014 at 5:30 PM**

The Wood County Planning Commission will meet in regular session on Tuesday, December 2, 2014 at the County Office Building in Bowling Green, Ohio. The time of this meeting is 5:30 pm. A suggested agenda follows:

OLD BUSINESS

SUBDIVISION – MIDDLETON TOWNSHIP

Oravec & Associates on behalf of Brian McCarthy – McCarthy Builders had submitted a preliminary residential plat entitled "The Village at River Bend Lakes" for preliminary approval at the November 4th, 2014 Planning Commission meeting. The item was tabled until such time that a legal opinion in regards to the validity of a variance issued in 2002 can be determined. This opinion has not been provided yet, however it was decided to conduct a meeting to let all parties explain their design and express their concerns. In regards to the plat in question, this particular phase is a large, multi platted endeavor that consists of thirteen (13) individual plats. Within the thirteen (13) plats there are 184 two-family villa lots and 191 single family residential lots. The thirteen (13) plats cover an area of approximately 122.5 acres of land.

NEW BUSINESS

Approval of the November 2014 Planning Commission Meeting Minutes.

WOOD COUNTY PLANNING COMMISSION STAFF ACTIVITIES REPORT

Staff activities for October and November 2014 will be reviewed.

DIRECTOR'S UPDATE ON PAST APPROVED ITEMS

The Director will update the Planning Commission on the status of plats and other agenda items that have been approved by the Planning Commission at past meetings.

CHAIRMAN'S TIME

Nominating Committee

DIRECTOR'S TIME

2015 Planning Commission meeting schedule

Report on possible changes to the annual CDBG project selection process

ADJOURNMENT

Please make plans to attend!

ITEM # 1 - SUBDIVISION – MIDDLETON TOWNSHIP

APPLICANT(S)

Oravec & Associates
5333 Secor Road
Toledo, OH 43623

McCarthy Builders Inc.
3818 King Road
Toledo, OH 43617

PROPOSAL

Applicants had submitted a preliminary plat entitled The Village At River Bend Lakes for consideration at the November 4th, 2014 Planning Commission Meeting. The item was tabled by the Commission pending a legal opinion from the Wood County Prosecutor's Office. It was decided to discuss this item at the December 2nd, 2014 Planning Commission meeting despite not having the requested legal opinion. It was felt that the item could at least be discussed by all parties involved, and all concerns could be presented. As for the plat itself, it is the most recent phase of development in the overall Riverbend Lakes Development. This particular phase consists of thirteen (13) separate plats that cover approximately 122.5 acres of land and contain 184 two-family villa lots and 191 single family residential lots.

LOCATION

The plat is part of the larger River Bend development located off River Road in River Tracts 54 and 55 of Middleton Township. This particular phase of the subdivision is located in the northeast portion of the overall development. The primary points of access for this phase will be off of Roachton Road as well as through the extension of the existing street of Waterville Drive.

LAND USE AND ZONING

The underlying plat is zoned R-3 Residential. Lands to the east, south, and west are zoned R-3 Residential as well. Lands to the north are located in the City of Perrysburg and are zoned R-1 Residential. Land use in the area is primarily residential, and the Comprehensive Land Use Plan has designated this area as being in an urban – small town expansion area. There are no floodplains or wetlands located on the plat and all utilities are available to the plat.

STAFF ANALYSIS

As stated in the Proposal section above, this item was on the November 2014 Planning Commission Agenda. It was tabled pending a legal opinion from the Wood County Prosecutor's Office. Specifically, the legal opinion was in regards to whether or not a variance issued by Middleton Township in 2002 for the entire subdivision as it existed at the time is still valid. This issue was prompted by the proposed preliminary plat containing lots that do not meet the minimum frontage and area requirements for an R-3 District in Middleton Township.

The applicants felt that the substandard lots were permissible due to the original variance. Middleton Township and the Wood County Prosecutor's Office felt that the lots were not permissible since the variance is no longer valid.

At the time of this writing, the requested legal opinion has not been completed; however it was felt that this item should be placed back on the current agenda. The purpose of having this item on the agenda for December is to give all parties the opportunity to explain their design plans as well as to voice their concerns.

In regards to the particulars of this plat, it is the latest submission for the River Bend Lakes development. This newest phase is fairly extensive and ambitious. It consists of a total of thirteen (13) separate plats – phases and contains 184 two family villa lots and 191 single family residential lots that cover approximately 122.5 acres of land. As stated above, the underlying plat(s) property is zoned R-3 Residential and lies within an urban – small town expansion area. There are no floodplains or wetlands associated with the plats.

In regards to plat specifics, the proposed preliminary plat is made up of thirteen (13) separate plats. Within these plats, 191 lots are designed for single family residential use, and 184 lots are designed for two family villa lots. Plat improvements include streets with 60 feet of right of way and 25 feet of paving, curbs and gutters, sidewalks, all utilities, open space areas as well as a lake which will serve an aesthetic as well as a detention purpose. The lake that is being proposed will have fountains constructed within it which again serves an aesthetic purpose as well as lake maintenance role. It needs to be noted that since this newest phase of development has been submitted after the adoption of the new Subdivision Rules and Regulations, all storm sewer systems and drainage will have to be placed under County maintenance. This will need to occur prior to the signing of the final plat.

Traffic flow within the proposed plats appears to be adequate. Roachton Road serves as a main ingress – egress point, and Waterville Drive connects this newest phase of development with the existing River Bend plats which ultimately flows onto River Road. Plat seven (7) as proposed has a stub street (Juniper Court) terminating into un-platted lands which allows for future extension into these un-platted areas.

The Wood County Engineer's Office had conducted a review of the preliminary plat and has found a total of thirteen (13) errors with the preliminary plat as presented. These errors were relatively minor and are consistent with errors seen on preliminary plats. A copy of the Engineer's Office's transmittal letter listing these errors was included in the agenda mailings for the November 2014 meeting.

The plat meets the Planning Commission Office's requirements for preliminary plats as set forth in the Wood County Subdivision Rules and Regulations. This being said, there are items that have been, for lack of a better word, "flagged" for concern and discussion by the Planning Commission Staff.

These items are as follows: Cul-De-Sac construction, lot sizes and frontages, density of the development, and the time frame for development. Each of these items will be discussed in more depth below.

Cul-De-Sac Construction:

While not a major issue, it does need explained to the Planning Commission if the developer intends to have the cul-de-sac bulbs completely paved, or if the intent is to leave the open, unpaved areas.

The second cul-de-sac item that is more important involves the lot frontages that are being proposed along the cul-de-sac bulbs. According to the Middleton Township Zoning Resolution, lots along the curve of a cul-de-sac bulb need to have at least 56 feet of frontage. Lots along these cul-de-sac curves in Plat 6, Plat 10, Plat 12 and Plat 13 all contain lots with frontages less than the required 56 feet.

Lot Frontages:

This item is the one of most concern to the Planning Commission Staff. As stated in the summary write up for this item, the entire underlying plat property is zoned R-3 Residential. Under Middleton Township's R-3 Zoning requirements, single and two-family dwellings are permitted uses. Multi family and condominium developments are conditional uses that require Board of Zoning Appeals approval. From what has been presented in the plat drawings and in the transmittal letter, the developer is intending to build a mixture of single family lots and two-family villa style lots. Both of these end uses are permitted under an R-3 zoning classification.

The problem that arises involves the proposed lot frontages for several of the lots in several of the proposed plats. Under an R-3 zoning classification, single family lots must be at least 10,000 sq. ft. in size and have at least 75 feet of lot frontage. For two-family dwellings, each lot needs to have a minimum parcel size of 7,500 sq. ft. per residence or family and have at least 85 feet of frontage.

The villa lots being proposed have 48 feet of frontage and do not meet the minimum parcel size requirement either. This is a major issue in that many of the proposed lots come nowhere close to meeting the minimum size and frontage requirements for an R-3 zoning classification.

The non conforming lot frontages and sizes for the villa lots as well as for the cul-de-sac lots most likely stems from a variance that Middleton Township granted the original developers of River Bend back in the early 2000's. At that time, the variance was for reduced frontages on villa lots as well as reduced parcel area requirements. This variance was issued for the entire acreage of the development.

Along these lines, the Planning Commission Staff in conversations with the Wood County Prosecutor's Office has discovered that Middleton Township had requested a legal opinion regarding the applicability of this original variance to new lots in River Bend.

The Prosecutor's Office concluded that the variance that prompted the opinion request should not be granted. This opinion deals with what was essentially a "variance from a variance" that was requested in 2013. Said opinion states that the variance should not be granted, but does not render a solid opinion on the validity – applicability of the original variance issued in 2002.

The Planning Commission staff decided to request their own opinion from the Wood County Prosecutor's Office as to whether or not the original variance issued in 2002 can still be applied to the current development.

Development Density:

As stated in the item above, the applicants are likely using the original variance in order to create lots that are smaller than what is required in Middleton Township's R-3 zoning district. The end result of these smaller lots is more lots and ultimately a denser level of development. In relation to existing developments in the near vicinity such as Hull Prairie Meadows, Saddlebrook, and the Sanctuary, the proposed development that is being reviewed is far denser than any of these surrounding subdivisions. This discrepancy in density will likely need to be considered by the Planning Commission and factored into any type of decision made by the Commission.

Development time frame:

If it hasn't been noted yet, the proposed development plan is large and fairly ambitious. Preliminary plat approval is currently valid for a period of one (1) year. After this time has passed, an applicant can request an extension for preliminary approval. Only one (1) extension can be granted and is for one hundred and eighty (180) days. The Commission needs to find out from the applicant if the applicant is confident that a final plat for the entire development can be constructed and approved within the time constraints placed on preliminary plat approval.