



**WOOD COUNTY PLANNING COMMISSION
AGENDA
MARCH 3, 2015 at 5:30 PM**

The Wood County Planning Commission will meet in regular session on Tuesday, March 3, 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 January 2015 Planning Commission Meeting Minutes.

WOOD COUNTY PLANNING COMMISSION STAFF ACTIVITIES REPORT

Staff activities for December 2014 and January and February 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.

ZONING – PERRYSBURG TOWNSHIP

FAE Glenwood properties, LLC have submitted a request to rezone 4.842 acres of land in Section 35 of Perrysburg Township from a C-2 Community Business Zoning Classification to an I-2 General Industrial Zoning Classification. The applicants would like to operate as a general contractor out of this facility and would like to erect a 40 sq. ft. business sign. In order to accomplish this, an Industrial Zoning Classification is needed. Additionally, no retail – commercial activities are being carried out on this parcel, so an Industrial Zoning Classification is more appropriate for the type of operation that can be run of these parcels. The subject property consists of 4.842 acres of land in Section 35 of Perrysburg Township on the west side of Glenwood Road. Mandell Road is approximately 990 feet to the north of the parcel, State Route 795/Avenue Road is approximately 1,205 feet to the south, and Lime City Road is approximately 2,500 feet to the west.

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MARCH 3, 2015 MEETING
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ZONING PERRYSBURG TOWNSHIP

Bayer Park LLC has submitted a request to rezone two (2) parcels of land in Road Tract 7 of Perrysburg Township from an A-1 Agricultural and R-6 Manufactured Home Park Zoning Classification to a C-2 Community Business Zoning Classification. The parcel that is currently zoned A-1 is 40.89 acres in size, and the parcel that is currently zoned R-6 is 10.23 acres in size. The reason for the requested zoning change as stated on the rezoning application is that the applicants want to use the property for commercial purposes in the future, which is more compatible with what currently exists in the area.

The subject parcels are located on the south side of Fremont Pike/State Route 20, approximately one quarter of a mile east of Thompson Road and three quarters of a mile west of Lime City Road. The Woodmont Subdivision is located to the west of the property.

AMENDMENT – WOOD COUNTY SUBDIVISION RULES AND REGULATIONS

At the January 2015 Planning Commission meeting, the Wood County Planning Commission Staff asked the Planning Commission Board for permission to amend the current Wood County Subdivision Rules and Regulations to adjust maximum the length for cul de sacs as well as adding language for the regulation of ponds. It was decided at that time to have the staff research what other Counties and Municipalities use for maximum cul de sac lengths and report back the Commission. This has been done, and the Staff will report this information back to the Commission. The desired outcome is a consensus on the maximum length of cul de sacs and Board permission to proceed with the amendment process.

CHAIRMAN'S TIME

DIRECTOR'S TIME

Discussion of the results of the first bylaw update committee meeting.

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 entitled "Freedom Estates Plat Two" in Section 12 of Lake Township. The subdivision 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 Lot 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 east 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

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 Lot A. If the plat as presented is given final approval, than it will stand as a separate plat independent of the existing Freedom Estates subdivision.

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 Lot 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.

This process works best when there is one owner of the plat. This way, only one party has to agree to the maintenance agreement. As individual lots within the plat are sold, the buyers are purchasing the lots with the knowledge that a special assessment is included in their property taxes that goes towards maintaining the applicable portions and improvements in the plat.

The maintenance petitioning process becomes more convoluted and complex when multiple property owners are involved, as is the case with the plat of Freedom Estates Plat Two. The owners of Lot A have decided to place the entire subdivision under County Maintenance. For the lots and land that the applicant owns, there are no potential major problems. The petitioner is obviously agreeing to place what they own under maintenance and by extension, agreeing to the assessment placed on the properties. The potential "hiccup" in the situation of multiple owners is that all landowners within the maintenance area need to agree to place their lot(s) under maintenance and accept the additional assessment on their taxes. To date, it does not appear that the owners of Lot A have contacted the additional landowners in Freedom Estates to solicit their participation in the petition process.

Under the maintenance provision, all landowners in the affected area must agree to the maintenance. If they do not, a longer petitioning process is prescribed.

In regards to the plat drawing, there were some errors found with the plat drawing as submitted. The errors found are as follows:

1. The plat was not signed or dated by the plat owner(s) or the surveyor.
2. The Owner's Certification does not match what is provided in the Subdivision Rules and Regulations.
3. No vicinity map is included on the plat.
4. Parcel areas are not stated in acreage.

The Wood County Engineer's Office found additional errors – items of concern with the plat drawing. These items can be found by reviewing the attached letter from the Engineer's Office.

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.

STAFF RECOMMENDATION

As evident in the analysis above, this item is a fairly complex one with three major items/issues that need to be strongly considered and factored into whatever decision the Planning Commission makes in regards to this proposal. In regards to action taken on this item, the decision on action rests solely with the Planning Commission. Since this is a subdivision and not a zoning item, the Commission does not provide any type of recommendation, only a decision.

The first item that needs considered is the issue of actually subdividing Lot A. The previously noted Prosecutor's Opinion clearly states that the Planning Commission must decide whether or not subdividing – platting Lot A as it currently exists constitutes as "injuriously" 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 was to be open space for the plat, not a separate subdivision as is the current request. Conversely, the argument could be made that having Lot A converted into a new plat might benefit the existing lot owners in that the open space will be maintained and landscaped. There has been one instance in the Director's tenure with the Planning Commission Office where existing open space was platted. This occurred on the first Riverbend Plat in Middleton Township.

Without speculating too deeply into the Planning Commission's reasoning in that situation, it is likely that the open space was allowed to be developed based on the fact that there was to be much more open space in the plat as it became further developed. With Freedom Estates, there isn't space to further add open space unless the owners elect to convert some of the building lots they own into open space.

The second item that warrants strong consideration is the maintenance issue. The owners are being proactive and are displaying long range vision by petitioning to place all of the lots in the subdivision under County maintenance. This will allow for any repairs and maintenance made to the plat's stormwater and drainage systems to be carried out much more effectively than if the land owners have to pay for the repairs on their own. The issues arise with the notification process. In conversations with the County Engineer's Office, it has been verified that as of February 20, 2015, all of the existing lot owners have not been notified of the petitioning filing. Under the petitioning process, the applicant must notify each affected land owner the intent to place their lots under maintenance.

The last item that needs consideration is the findings of the Wood County Engineer in regards to the plat drawings. As a review of the attached letter shows, there were errors identified with the plat drawings. Some were items that were noted in the Planning Commission review of the item and others are ones that were identified by the Engineer's Office. Some of these item are scrivener – labeling errors and some are more substantial. The Planning Commission will need to decide how to handle the issue of the found errors.

As for an actual staff recommendation, the Planning Commission Staff concludes that any action taken on this proposal needs to be decided after a 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 - ZONING – PERRYSBURG TOWNSHIP

APPLICANT(S)

F&E Glenwood properties, LLC
28757 Glenwood Rd.
Perrysburg, OH 43551

PROPOSAL

Applicants wish to rezone 4.842 acres of land from a C-2 Community Business Zoning Classification to an I-2 General Industrial Zoning Classification. The applicants would like to operate as a general contractor out of this facility and would like to erect a 40 sq. ft. business sign.

LOCATION

The property being rezoned consists of 4.842 acres of land in Section 35 of Perrysburg Township. More specifically, the land is located on Glenwood Road, Mandell Road is approximately 990 feet to the north of the parcel, State Route 795/Avenue Road is approximately 1,205 feet to the south, and Lime City Road is approximately 2,500 feet to the west.

LAND USE AND ZONING

The property is currently zoned C-2 Community Business. Lands to the south, east and north are zoned I-2 General Industrial and C-2 Community Business. There are also a few parcels zoned R-2 Suburban Residential (low density) in the vicinity of the parcel being rezoned. The Wood County Comprehensive Land Use Plan has designated the area where the parcel is located as an Employment Center area, and it has also been designated as being in a key corridor. There are no wetlands or floodplains on the property, and public utilities are in place.

ATTACHMENTS

- 2-A - Location Map
- 2-B - Zoning & Land Use Diagram

STAFF ANALYSIS

The applicant's proposal is to rezone 4.842 acres of land from a C-2 Community Business Zoning Classification to an I-2 General Industrial Zoning Classification. The owner and owner's tenants wish to operate as a general contractor out of this facility, and would like to erect a business sign that is 40 square feet.

Currently the lands surrounding the parcel to the south, east and north are also zoned I-2 General Industrial, and there are a couple of parcels zoned C-2 Community Business to the North and R-2 Suburban Residential to the southwest. Land use in the area is primarily industrial, with a few commercial and residential properties nearby. There are no floodplains or wetlands on the parcel and public utilities are available to this property.

The Wood County Land Use Plan has the parcel designated as being located within an employment center area, and has also been designated as a key corridor.

Under Perrysburg Township's zoning regulations, a property that is zoned C-2 is only permitted to have a 25 square foot low profile or monument style free standing sign. By changing the zoning to I-2, the owner would then be permitted to erect a sign up to 50 square feet in size.

STAFF RECOMMENDATION

Given the parcel's location near a major State Route as well as its neighboring properties being commercial and industrial, an industrial land use is a fitting use of the land.

Given the above factors, it is the recommendation of the Wood County Planning Commission Staff that the Planning Commission recommend to Perrysburg Township that the Township approve this rezoning request.

ITEM # 3 - ZONING – PERRYSBURG TOWNSHIP

APPLICANT(S)

Bayer Park LLC
9677 Fremont Pike
Perrysburg, OH 43551

PROPOSAL

Applicants wish to rezone two (2) parcels of land from an A-1 Agricultural and R-6 Manufactured Home Park Zoning Classification to a C-2 Community Business Zoning Classification. The parcel that is currently zoned A-1 is 40.89 acres in size, and the parcel that is currently zoned R-6 is 10.23 acres in size. Both parcels are located within Perrysburg Township's State Route 20/23 Overlay Zone. The reason for the requested zoning change as stated on the application is that the applicants want to use the property for commercial purposes in the future, which is more compatible with what currently exists in the area.

LOCATION

The property being rezoned consists of 51.12 acres of land in Road Tract 7 of Perrysburg Township. More specifically, the land is located on the south side of Fremont Pike/State Route 20, approximately one quarter of a mile east of Thompson Road and three quarters of a mile west of Lime City Road. The Woodmont Subdivision is located to the west of the property.

LAND USE AND ZONING

The properties are currently zoned A-1 Agricultural and R-6 Manufactured Home Park. The parcel is also within the Township's State Route 20/23 Overlay Zone. Lands to the North of State Route 20 are located in the City of Rossford and are zoned P-C - Planned Commercial. Lands to the east and west of the parcels are in Perrysburg Township and are zoned C-2 Community Business. Lands to the south are also located in Perrysburg Township and are zoned A-1 Agricultural. The Wood County Comprehensive Land Use Plan has designated the area where the parcels are located as a Commercial Center area, and it has also been designated as a key corridor. There are no wetlands or floodplains on the property, and public utilities are in place.

ATTACHMENTS

- 3-A - Location Map
- 3-B - Zoning Diagram

STAFF ANALYSIS

The applicant's proposal is to rezone 40.89 acres of land from an A-1 Agricultural Zoning Classification to a C-2 Community Business Zoning Classification, and 10.23 acres from an R-6 manufactured Home Park Zoning Classification to a C-2 Community Business Zoning Classification. The applicant wants to use the property for commercial purposes in the future.

Currently the parcel is within the Township's State Route 20/23 district, the lands directly surrounding the parcel are already zoned C-2 Community Business. Additionally, the lands to the north of the subject parcel located in the City of Rossford are zoned Planned Commercial. There is some land zoned A-1 Agricultural to the South of the parcels, and the Woodmont Subdivision to the west of the subject parcels is zoned PUD-R.

Land use in the area is mostly commercial. The Wood County Land Use Plan has the parcel designated as being in a Commercial Center area, and it has also been designated as a key corridor. There are no floodplains or wetlands on the parcel and public utilities are available to this property.

STAFF RECOMMENDATION

Given the parcel's location near a major State Route, its neighboring properties being commercial and the land use plan designating this area as a Commercial Center area, a commercial land use is a fitting use of the land.

Given the above factors, it is the recommendation of the Wood County Planning Commission Staff the Planning Commission recommend to Perrysburg Township that the Township approve this request.