



**WOOD COUNTY PLANNING COMMISSION  
AGENDA  
March 6, 2012**

The Wood County Planning Commission will meet in regular session on Tuesday, March 6th, 2012 at the County Office Building in Bowling Green. The time of this meeting is **5:30 p.m.** A suggested agenda follows:

Approval of the January 2012 Planning Commission Meeting Minutes

**OLD BUSINESS**

**NEW BUSINESS**

**WOOD COUNTY PLANNING COMMISSION STAFF ACTIVITIES REPORT**

Staff activities for January and February 2012 will be reviewed

**ZONING – MIDDLETON TOWNSHIP**

George Oravec of Oravec and Associates on behalf of the Diocese of Toledo has resubmitted a request to rezone approximately twenty (20) acres of land in Section 24 of Middleton Township from an A-1 Agricultural Zoning Classification to an R-3 Residential Zoning Classification. This request was originally submitted at the September 2011 Planning Commission meeting. It was recommended for denial at that time due to issues concerning an abandoned cemetery at the site. The applicant has presumably researched this matter further and is now proposing a three acre portion of the property remain in a "Cemetery Easement". Like the original application, the reason for this request as stated on the application is that the owner wishes to sell the property to a developer who will then develop a residential subdivision on the property. The property is located on the north side of Five Point Road, Fort Meigs Road is located approximately 1300' ft. to the east, Roachton Road is one mile to the north, the Brookhaven Development is located to the southeast of the parcel, and the westerly boundary of the City of Perrysburg is located directly east of the parcel.

**SUBDIVISION REGULATIONS UPDATE**

The most current version of the updates made to the Wood County Subdivision Regulations will be reviewed and guidance and input will be solicited from Planning Commission members.

**CHAIRMAN'S TIME**

**DIRECTOR'S TIME**

**ADJOURNMENT**

*Please make plans to attend!*

## **ITEM # 1 – MIDDLETON TOWNSHIP ZONING**

### **Applicant(s)**

Oravec and Associates

5333 Secor Rd., Ste 2  
Toledo, OH 43623

Bishop Leonard Paul Blair

1933 Spielbusch Avenue  
Toledo, OH 43604

### **Proposal**

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### **Attachment**

- A. Location Map
- B. Diagram showing Cemetery Easement

### **Location**

The property is located on the north side of Five Point Road, Fort Meigs Road is located approximately 1300' ft. to the east, Roachton Road is one mile to the north, the Brookhaven Development is located to the southeast of the parcel, and the westerly boundary of the City of Perrysburg is located directly east of the parcel.

### **Land Use and Zoning**

The property is currently zoned A-1 Agricultural. Lands to the north, south and west are also zoned A-1 Agricultural. Lands to the east are located in the City of Perrysburg. The Wood County Land Use Plan has identified the area where the parcel is located as being in an Urban – Small Town Expansion area. In regards to environmental constraints, there are no floodplains or wetlands on the property. Utilities are available from both the City of Perrysburg and the Northwestern Water and Sewer District. Utilization of these utilities regardless of the source would likely require annexation into the City of Perrysburg as the area is outside of the 99 year annexation agreement area between the City of Perrysburg and Middleton Township.

### **Staff Analysis**

As stated in the proposal, the reason for this request is that the owners of the subject parcel (The Toledo Diocese) wish to sell the property to a developer who would then develop a residential subdivision on the parcel similar in character and nature to that of the Brookhaven Subdivision which is located to the southeast of the parcel in the City of Perrysburg.

The parcel is currently zoned A-1 Agricultural. Lands to the north, south, and west are also zoned A-1 Agricultural. Lands to the east of the parcel are located in the City of Perrysburg. Land use in the area is primarily low to medium density residential. There are a scattering of residential subdivisions in the surrounding area including the Brookhaven Subdivision, as well as the Hull Prairie Meadows and Saddlebrook Developments located to the west of the parcel. The Comprehensive Land Use Plan has designated this parcel as being in an urban, small town expansion area, and there are no environmental constraints on the parcel such as floodplains or wetlands.

## **ITEM # 1 – MIDDLETON TOWNSHIP ZONING, CONTINUED**

In regards to utilities, both the City of Perrysburg and the Northwestern Water and Sewer District have utilities running past the parcel. Regardless of what utilities would be used, annexation into the City of Perrysburg would be required.

The pressing issue concerning this request of course is the location of an abandoned cemetery at the site. As stated in the summary above, the applicant(s) are still requesting that the entire twenty acre parcel be rezoned from an A-1 Agricultural Zoning Classification to a R-3 Residential Zoning Classification, however the applicants have indicated that they intend to leave the north 3.746 acres of the parcel in what they refer to as a "Cemetery Conservation Easement". Presumably, the intent is to keep any development out of any area that could be part of the original cemetery.

It is pertinent to note that this cemetery conservation easement would not be set by zoning, but rather would occur only if the property were to be developed as the applicants envision. In reality, the entire parcel could be rezoned to R-3 Residential, and this development plan be abandoned, and the easement area could be built on.

The only way to possibly ensure the cemetery conservation easement area gets created is to leave that area zoned A-1 Agricultural. That way if and when a residential development is created on the property, the developers would be forced to stay in the R-3 area if they wished to achieve a desirable and economically feasible lot density.

### **Staff Recommendation**

The zoning classification being sought by the applicants is not incompatible with what is currently in the area around the parcel. In addition, this type of end use (medium density residential) is likely what will occur in this area in the next fifteen to twenty years. Unfortunately, given the uncertainty of the cemetery on the parcel, this otherwise straightforward rezoning request becomes a much more complicated issue.

Presumably, the applicants have done more research into the whole matter of the cemetery, specifically, if there are remains interned there and the location of these remains. This information was not included in the application materials for this request, so it can only be assumed that the applicants will discuss their findings at the meeting.

Another tricky issue is the issue of the proposed Cemetery Conservation Easement. As stated in the analysis section above, there is no real way to ensure that this easement is actually created if the entire property becomes zoned R-3 Residential. The property could in theory become rezoned to R-3 Residential, and the development plan showing the easement area is abandoned and homes could be built in this area. A better approach might be to only rezone the area outside of the 3.7 acre Cemetery Conservation Easement Area to an R-3 Residential Zoning Classification and leave the easement area zoned A-1 Agricultural. The proposed development plan still could be scrapped and development could occur in the easement area, but at the minimum lot sizes required under an A-1 Agricultural Zoning Classification in Middleton Township, it would likely not be economically feasible to develop and market lots that large.

To summarize, this request would be a fairly straightforward request if it weren't for the cemetery. The requested zoning and proposed end use fit with the Comprehensive Land Use Plan and all utilities needed to develop under and R-3 district are available to the site. However, given the cemetery issue, the decision isn't so simple.

## **ITEM # 1 – MIDDLETON TOWNSHIP ZONING, CONTINUED**

Based on the uncertainty of the cemetery, **it is the recommendation of the Planning Commission Staff that the Planning Commission recommend to Middleton Township that the Township deny this request.** If the Planning Commission does decide to recommend the rezoning, then it is the strong opinion of the Planning Commission Staff that the Planning Commission leave the 3.7 acres in the cemetery easement area zoned A-1 Agricultural.

## **ITEM # 2 – SUBDIVISION REGULATIONS UPDATE AND DISCUSSION**

### **Proposal**

The Wood County Planning Commission Staff along with consultants from Poggemeyer Design Group have been working on updating the current Wood County Subdivision Rules and Regulations. The Planning Commission staff has currently reached a point in the update process where it is logical to present their progress so far to the Planning Commission. This presentation will not only give the Planning Commission a chance to become caught up on the process thus far, but also to offer input or guidance as to what might need altered either in what has been drafted to date, or for what will be drafted in the future.

### **Attachments**

C. Draft copy of the regulations as of February 1, 2012

### **Staff Analysis**

The Planning Commission Staff has been working with Poggemeyer Design Group since late summer of 2011 to update the current Subdivision Rules and Regulations. The Subdivision Regulations are the official regulations used to regulate the construction and development of residential, commercial, and industrial subdivisions in Wood County's unincorporated areas. In addition to regulating the construction and design of traditional subdivisions, the Subdivision Regulations also set forth minimum development requirements such as minimum parcel sizes and lot frontages for the unzoned areas of the County. Given the importance of this document, much care and detail has gone into this update process.

Almost immediately after the initial work meeting with the consultant, a decision was made to completely abandon the current Subdivision Rules and Regulations. The age and lack of material worth placing into the new document did not justify the additional cost to convert the existing version into a workable digital format. Instead, a decision was made to utilize the model subdivision regulations that had been drafted by the County Engineer's Association of Ohio and the County Commissioner's Association of Ohio. This "base line" document was drafted in 2000, and contains the most current Revised Code language and ideas in subdivision regulation.

## **ITEM #2 – SUBDIVISION REGULATIONS UPDATE, CONTINUED**

Having decided to use this document as a “boiler plate” for the new regulations, the Planning Commission Staff then identified approximately ten areas within the document that needed scrutinized and retrofitted to fit Wood County’s specific needs and desires. These ten areas in no particular order are as follows:

1. Look at access management, specifically, see if the subdivision regulations can be used to implement a countywide access management program.
2. Look at the issue of maintenance of drainage structures and other pieces of infrastructure in subdivisions.
3. Defining the term “original tract” for purposes of parcel splits.
4. Looking at minimum lot standards in unzoned areas of the County.
5. Reviewing and perhaps improving the parcel split process.
6. Reviewing and possibly improving the parcel combination process.
7. Reviewing detention pond standards, specifically, the size as to 100 year or 200 year storm capacity, and wet versus dry basins.
8. Setbacks from floodplain areas.
9. Research into open space including dedication of open space, types of open space, fees in lieu of open space, and if an assessment can be charged to lot owners for the maintenance of open space.
10. Aligning township PUD requirements with the subdivision regulations.

As of February 1, 2012, the access management item, the original tract definition, the minimum lot standards for unzoned areas, setbacks from floodplains, and open space have all been reviewed, updated, and incorporated into the latest draft copy of the subdivision regulations. (For ease of reference, these changes are highlighted in yellow on the draft copies sent as an attachment for this item).

The remaining items: maintenance of drainage structures, detention ponds, PUD requirements and possibility design standards will be addressed next. For these items, it is the intent of the Planning Commission Staff to enlist the aid of the Wood County Engineer’s Office. The Engineer’s Office will be able to lend their technical expertise and guidance associated with these items and since they will be involved in drafting these sections, we will better be able to ensure a final document that does not conflict with their office’s requirements.