

Wood County Planning Commission
March 3, 2015 @ 5:30pm

The Wood County Planning Commission met in regular session on Tuesday, March 3, 2015 at the County Office Building in Bowling Green. Planning Commission members in attendance were: John Alexander, Tony Allion, John Brossia, Jim Carter, Doris Herringshaw, Raymond Huber, Joel Kuhlman and Leslee Thompson. Planning Commission members absent were: Rob Black and Donna Schuerman. Planning Commission staff in attendance was: David Steiner and Katie Baltz. **Four (4) guests attended** the meeting.

Upon calling the meeting to order Mr. Huber stated that Mr. Black would not be present and that he would be chairing the meeting.

New Business

Mr. Huber asked for a motion to approve the January 2015 Planning Commission meeting minutes, Mr. Carter made a motion to approve the minutes with the corrections to Ms. Schuerman and Ms. Thompson's attendance, Ms. Herringshaw seconded the motion and Commission members responded in full support.

Staff activities report

Mr. Steiner reported that staff activities for the months of January and February 2015 included some of the following activities: Director researched maximum cul de sac lengths, Planner attended the annual Township Association Conference, Director drafted RFQ's for Land Use Plan, Staff set up Community Development Implementation Strategy meeting for March 4th, Held 1st Public Hearing for CDBG FY15 program, Held Fair Housing Trainings, Set TIRC Meeting for March 19th, began researching the process of updating the Planning Commission Website, among other activities.

Mr. Huber asked Mr. Steiner if the County would be receiving less CDBG dollars this year. Mr. Steiner stated that funding amounts were decreasing every year but the amounts for this year's program were not yet available.

SUBDIVISION- LAKE TOWNSHIP

F.W.B. Inc. on behalf of Louisville Title and DMWW Properties LLC had submitted a final plat for a three (3) lot subdivision entitled "Freedom Estates Plat Two" in Section 12 of Lake Township.

Mr. Steiner stated that the subdivision contained two (2) residential building lots and one (1) open space lot and the proposed plat covered approximately 1.66 acres of land. Mr. Steiner stated that this plat had been created by splitting the existing open space lot entitled "Lot A" within the larger Freedom Estates Subdivision.

Mr. Steiner stated that the proposed plat was located in Section 12 of Lake Township, more specifically Walbridge Road was located approximately 1,150 feet to the north, and Woodville Road was located approximately 1,700 feet to the south.

Mr. Steiner stated that the property underlying the proposed plat was zoned R-1 Residential, and lands to the east, north and south of the proposed plat were also zoned R-1 Residential. Mr. Steiner noted that lands to the west were zoned R-2 Residential.

Mr. Steiner stated that 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 and that there were no identified wetlands on this parcel. Mr. Steiner noted that there was a portion of 100 Year Floodplain located on the proposed lots, however the plat engineer had designed the lots so that the building envelope of the lots were outside of the 100 Year Floodplain. Mr. Steiner stated that all utilities were available to the parcel and land use in the area was medium density residential.

Mr. Steiner stated that history of the Freedom Estates Subdivision needed to be presented in order for Commission members to gain more insight into this proposal. Mr. Steiner explained that the entire Freedom Estates Subdivision had originally been created by the Dold Development Company in 2003 and granted final approval in 2005. Mr. Steiner stated that in the intervening years after final approval, the Dold Development Company had filed for bankruptcy, and the unsold portion of Freedom Estates went into bank dictated receivership. Mr. Steiner noted that in 2011, the unsold lots including the retention basin and Lot A/the open space lot were purchased by DMWW Properties LLC and a proposed plat similar to what had 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.

Mr. Steiner stated that 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 storm water retention basin and turn it into a lake that would serve an aesthetic and detention purpose. Mr. Steiner noted that his plan was granted preliminary approval by the Planning Commission at their April 2011 meeting and was presented to the Planning Commission at the August 2011 meeting for final approval. Mr. Steiner stated that at that time, there was considerable protest and concern from existing homeowners within the subdivision regarding the question(s) as to whether or not the new owners of the plat actually legally owned the retention basin and Lot A. Mr. Steiner noted that 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, resulting in the final plat being denied by the Planning Commission. Mr. Steiner stated that 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.

Mr. Steiner summarized the resulting Prosecutor's Opinion which stated 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.

Mr. Steiner stated that the Prosecutor's Office opinion stated that Outlot A could be subdivided into a new plat only if the Planning Commission decided that subdividing Lot A did not "injuriously effect" the existing lot owners within the existing plat and if the Commission decided that subdividing the open space lot does indeed injuriously effect the existing lot owners, then all owners of the lots effected by this change would need to consent in writing to this change.

Mr. Steiner stated that the County Engineer's office could elaborate later in the discussion on the petitioning process required to place this subdivision under county maintenance. Mr. Steiner stated that minor errors had been identified on the plat by the Planning Commission and Engineer's office.

Mr. Steiner stated that the landowners of this subdivision had been notified, and one owner submitted an email addressing his concerns.

Mr. Brossia asked if there were issues with the manholes sticking out of the ground. Mr. Steiner stated that drainage had been a problem, but did not recall manholes being an issue.

Mr. Alexander asked if Lot A was currently being maintained, and asked how many lots were owned by the developer compared to other people, and how many lots currently had a residential structure. Mr. Brian Retar, FWB Inc., stated that the developer was currently maintaining Lot A. Mr. Steiner estimated that approximately 13 homes were currently built in the subdivision.

Mr. Alexander asked if land owners who bought originally from Dold, bought with the expectation that Outlot A would remain open space. Mr. Steiner stated that in 2004 that would have been a fair assumption. Mr. Retar stated that in previous conversations with the home owners, none of them seemed concerned with the common lot being used as open space. Mr. Retar stated that homeowners appeared to be more concerned with the area being maintained.

Mr. Allion asked if platting this Outlot would still meet the overall open space requirement for the subdivision. Mr. Steiner did not know the open space calculations.

Following a discussion on the item, Mr. Carter stated that there were still questions that needed to be answered and made a motion to table the item. Ms. Thompson seconded the motion; Mr. Brossia questioned the purpose of tabling the item. Mr. Steiner stated that reasons for being tabled needed to be noted.

Mr. Brossia stated that a question needing answered would be with Outlot C and who would be maintaining it, and if a homeowners association would be required.

Mr. Alexander stated that an additional question needing answered was that if this were platted as a new subdivision, are the original subdivision open space requirements still met. Mr. Alexander noted that the plat submitted for the meeting had notable errors and omissions and in order to be acted upon, members needed a product within the bounds of what was expected.

Mr. Alexander stated that an additional question would be related to the term “injuriously effect”, and how many parcels out of the original freedom estates plat were owned by the new owner/developer as opposed to vacant lots or structures owned by individual land owners to help make a determination of whether this change injuriously effected the property owners who already owned their parcels who thought this was going to be open space.

Mr. Alexander stated that it appeared that the communication between the property owner representatives and existing land owners could be improved regarding the petition for maintenance and the feelings of the existing land owners.

Following additional discussion, Mr. Huber took a vote for Mr. Carter’s motion to table the item until the discussed questions were answered, Planning Commission members responded with a vote of 7 in favor, none opposed, motion carried.

ZONING – PERRYSBURG TOWNSHIP

FAE Glenwood Properties, LLC had submitted an application to rezone 4.842 acres of land from a C-2 Community Business Zoning Classification to an I-2 General Industrial Zoning Classification in Section 25 of Perrysburg Township.

Ms. Baltz stated that the property being rezoned was located on Glenwood Road, Mandell Road was approximately 990 feet to the north of the parcel, State Route 795/Avenue Road was approximately 1,205 feet to the south, and Lime City Road was approximately 2,500 feet to the west.

Ms. Baltz stated that lands to the south, east and north were zoned I-2 General Industrial and C-2 Community Business, and land in the City of Rossford was zoned Public, Planned Commercial and Planned Industrial. Ms. Baltz noted that there were also a few parcels zoned R-2 Suburban Residential (low density) in the vicinity of the parcel being rezoned. Ms. Baltz noted that the Wood County Comprehensive Land Use Plan had designated as lying in the area where the parcel was located at as an Employment Center area, and it had also been designated as a key corridor. Ms. Baltz stated that there were no wetlands or floodplains on the property, and public utilities were in place.

Ms. Baltz listed some of the permitted uses and some of the conditional uses allowed in an I-2 Industrial classification that were not allowed in a C-2 Community Business district.

Ms. Baltz stated that the applicants wished to erect a business sign that was 40 square feet, so the property would need to be rezoned to allow for this size of sign.

Ms. Baltz stated that the Planning Commission staff recommended approval of the request due to the parcel's location, surrounding zoning, land use designation, there being no floodplain or wetlands, and public utilities being in place. Ms. Baltz reminded the Commission members that the Planning Commission was making a recommendation to Perrysburg Township, and the Township made the final decision.

Mr. Alexander asked if the Township required a special use permit for Sexually Oriented Businesses. Kelly Hemminger, Perrysburg Township Administrator stated that it was a permitted use, but an applicant would have to go through a site plan review at the Township level, and the Sexually Oriented Business section of their regulations was very strict.

Mr. Allion pointed out that the surrounding areas were already zoned I-2 so this type of use could already exist.

David Bruehl, of FAE Glenwood stated that this request was initiated due to the desire for a larger sign in front of their business.

There being no further discussion, Mr. Alexander made a motion to recommend to Perrysburg Township to approve the request to rezone the 4.842 acres of land from C-2 Community Business to I-2 General Industrial. Mr. Kuhlman seconded the motion, Commission members responded with a vote of 7 in favor, none opposed, motion carried.

ZONING – PERRYSBURG TOWNSHIP

Bayer Park LLC submitted an application 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.

Mr. Steiner stated that the property being rezoned consisted of 51.12 acres of land in Road Tract 7 of Perrysburg Township. More specifically, the land was 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.

Mr. Steiner stated that the properties were currently zoned A-1 Agricultural and R-6 Manufactured Home Park and were also within the State Route 20/23 Overlay Zone. Mr. Steiner noted that lands to the North of State Route 20 were located in the City of Rossford and were zoned P-C - Planned Commercial, lands to the east and west were zoned C-2 Community Business and lands to the south were zoned A-1 Agricultural. Mr. Steiner stated that the Wood County Land Use Plan had designated the area as a Commercial Center area, and it had also been designated as a key corridor. Mr. Steiner stated that there were no wetlands or floodplains on the property, and public utilities were in place.

Mr. Steiner listed some of the permitted and conditional uses within the C-2 Community Business Zoning Classification.

Ms. Hemminger stated for clarification purposes that the rezoning request was for approximately 50 acres being rezoned, 10 acres that were currently zoned R-6 and 40 acres that were A-1 Agricultural.

Mr. Alexander asked if the neighbors received notification of the zoning change. Ms. Hemminger stated that neighbors were notified of hearings.

There being no further discussion, Ms. Thompson made a motion to recommend to Perrysburg Township to approve the request to rezone 10.23 acres of land from R-6 to C-2 zoning classification, and 40.89 acres from A-1 to C-2 zoning classification. Mr. Alexander seconded the motion, Commission members responded with a vote of 7 in favor, none opposed, motion carried.

AMENDMENT TO THE WOOD COUNTY SUBDIVISION RULES & REGULATIONS

Mr. Steiner stated that revisions to the Planning Commission Subdivision regulations were needed for the cul de sac lengths and for the addition of pond language. Mr. Steiner referenced different cul de sac lengths for surrounding communities and counties in Ohio.

Mr. Steiner read pond language that he suggested the Planning Commission add to the Wood County Subdivision Regulations and asked for approval to make amendments.

Following a brief discussion, Commission members determined that the cul du sac maximum length should be listed as "not to exceed 800 feet". Commission members agreed that the Pond language should change the second to last paragraph to state that "A pond shall be constructed in a manner so as to prevent water flow onto adjacent properties".

Mr. Musteric stated that the maximum cul de sac length information should state that maximum length, measured from the centerline of the street intersection to the centerline of the cul de sac, shall not exceed 800 feet.

There being no further discussion, Mr. Alexander made a motion to authorize Planning Commission staff to amend the subdivision regulations to include revised cul de sac length information and new pond language. Mr. Allion seconded the motion, and Commission members responded in full support.

CHAIRMAN'S TIME

DIRECTOR'S TIME

Mr. Steiner stated that the bylaw updates would be revisited at the next meeting on April 6, 2015.

There being no further business to discuss, Mr. Carter made a motion to adjourn, Ms. Herringshaw seconded, there being no opposition, meeting adjourned.