



**WOOD COUNTY PLANNING COMMISSION  
AGENDA  
MAY 6, 2014 at 5:30PM**

The Wood County Planning Commission will meet in regular session on Tuesday, May 6, 2014 at the County Office Building in Bowling Green, Ohio. The time of this meeting is 5:30pm. A suggested agenda follows:

**OLD BUSINESS**

**NEW BUSINESS**

Approval of the April 2014 Planning Commission Meeting Minutes.

**WOOD COUNTY PLANNING COMMISSION STAFF ACTIVITIES REPORT**

Staff activities for April 2014 will be reviewed.

**WOOD COUNTY SUBDIVISION RULES AND REGULATIONS UPDATE**

The draft version of the new Wood County Subdivision Rules and Regulations will be reviewed and discussed. Concerns brought forth by Commission members and staff members will be reviewed and discussed in depth. It is the hope that these concerns will be resolved and that an official motion can be made by the Planning Commission to adopt the regulations and allow the Planning Commission Staff to proceed with the adoption process.

**ZONING – MIDDLETON TOWNSHIP**

Don Feller, of Feller Finch & Associates and a Mr. William James submitted an application to rezone approximately 8.9 acres of land in River Tract 55 of Middleton Township from an A-1 Agricultural Zoning Classification to an R-2 Residential Zoning Classification. The purpose of this request as stated on the application is that the applicants wish to develop a single family residential subdivision on the property. The land is located on the east side of State Route 65/River Road. Roachtown Road is approximately 855 feet to the north and the Riverbend Subdivision is located directly to the south.

**CHAIRMAN'S TIME**

**DIRECTOR'S TIME**

**ADJOURNMENT**

*Please make plans to attend!*

## ITEM #1 - SUBDIVISION RULES AND REGULATIONS UPDATE

### **STAFF ANALYSIS**

As stated to the Commission several times now, the Planning Commission Staff has been working diligently to replace the existing Wood County Subdivision Rules and Regulations with brand new regulations. These regulations will address concerns that have arisen since the last update as well incorporating the most up to date legal developments.

Before further delving into the contents and submitted concerns with the new document, a brief history of the update needs to occur. The Planning Commission and the Wood County Commissioners contracted with Poggemeyer Design Group to draft an updated set of subdivision rules and regulations. After an initial meeting with the consultant it was decided that the Planning Commission Staff would meet with the consultant on a regular basis and be entirely involved in the update process. The next matter that was decided upon was to completely disregard the current subdivision regulations and draft an entirely new set of regulations from scratch. This decision was made after realizing that the current regulations were woefully out of date and that there would be such a large amount of content that needed added to them that it simply made more sense to draft new regulations than attempt to retrofit what was in place.

After deciding to draft entirely new regulations, the next step in this process was to find a template to work from. After a brief discussion as to using other Ohio County's regulations, it was decided not to take that approach since subdivision regulations tend to be "County specific" based on land use patterns and the physical geography of each county. In other words, they are not a "one size fits all" type of document. It was then decided that the model regulations provided by the County Commissioner's Association of Ohio that had been drafted with input from the County Engineer's Association of Ohio would be used. From there the Planning Commission Staff began tailoring the model regulations specifically for Wood County. Items like past and reoccurring problems with the current regulations were addressed, current development and land use trends were examined, and current legal language was placed in the regulations.

Once the Planning Commission Staff felt that the regulations were complete in regards to areas of the regulations that the Planning Commission Office is responsible for, the document was forwarded to the Wood County Engineer's Office for their review and approval of items that pertained to their Office. These items included such things as road design and geometry, storm water design and traffic flows. The Wood County Engineer's Office then drafted a separate document that addressed street design, storm water infrastructure, maintenance of plat infrastructure, and design guidelines for plat drawings.

After reviewing this document, it was quickly decided that a good approach would be to reference the requirements of this document in the applicable sections of the new subdivision regulations.

This has led us to our current state. The new document is complete to the point where it needs final input from the Planning Commission members and an Official action to recommend adoption. This being said, there have been comments and concerns submitted by a Planning Commission member, as well as a few items noticed by the Director.

The next portion of this report will identify these concerns and where applicable, offer suggestions as to how to address them.

**ITEMS IDENTIFIED BY COMMISSION MEMBER(S):**

1. Page 11, Section 3.09 – B. The passage is slightly wordy and may require two sentences. The best approach to remedy this concern is to have the Commission members read said passage and offer suggestions.
2. Page 13, Section 3.14. Somewhere between Items A-D there should a requirement listed that states if the owner of the underlying plat ground wishes to have an engineer or developer speak and submit items on their behalf, the landowner needs to fill out a form or submit some type of document stating that they allow another party to represent them. After reviewing this concern, the Planning Commission Staff felt that a simpler and equally effective way to handle this would be to have the landowner draft a letter stating that they allow a third party to represent them in regards to the plat. The letter would need to be notarized and filed with the Planning Commission Office. This may be better than an actual form in that it may be difficult to draft a universal form. Again, the Planning Commission members can decide which approach to take. Whatever method is chosen, the requirement is in the Director's opinion, absolutely necessary.
3. Page 14, Section 3.19. It was suggested that the Commission members provide input as to how many extensions or how many times an extension for both preliminary and final plat approval can be requested. It might be fair to limit the amount of preliminary plat extensions to one extension that spans a one year period.
4. Page 15, Section 3.25. Again, add language concerning the landowner agreeing on the record to allow a third party to represent them.
5. Page 16, 3.28. Once again, the Commission needs to decide how many final plat extensions will be granted.
6. Page 24, Section 5.03. Language should be added that states that lots will only be assigned address on the street which they have access to. For example, if a lot backs up to River Road but has its access point (driveway) on a road within the subdivision, the address issued will be off of the subdivision street, not River Road.
7. Page 25, Section 5.05. This language needs to be examined to determine if it is strong enough to address access to established streets for larger subdivisions like Riverbend. This can likely be accomplished by removing the minimum requirement that a subdivision needs to be at least 25 acres in size in order for the street connectivity requirements to be applicable. There is still language that

states if obtaining access is not feasible, the applicant can try to demonstrate that to the Commission.

**ITEMS IDENTIFIED BY PLANNING COMMISSION STAFF:**

1. Page 8, the first paragraph below Section 3.01 Item C: the last sentence should include the words “legal descriptions”, and the document identified needs to be the Wood County Land Transfer Policy, as well the Wood County Subdivision Site Improvement Manual (WCSSIM) as written. The resulting sentence would then read “All surveys and legal descriptions shall meet the requirements of the Wood County Land Transfer Policy and WCSSIM”.
2. Page 8, Section 3.09 Item A. The Land Transfer Policy should also be listed next to the WCSSIM.
3. Page 9, Section 3.04 Item D. Currently, depicting the location and size of buildings is not a requirement under the Land Transfer Policy, so it should be removed as a requirement under this section as well.
4. Page 12, Section 3.10 Item B. On item B, it is stated that a major subdivision is required when creating, widening, or extending a street, which is fine. However, this section goes on to identify the expansion of access easements as needing to undergo the major subdivision process. Current policy does not allow an easement for access to a parcel of land. All access must be in the form of fee simple ownership out to an established road right of way. The words “access easement” should be removed.
5. Page 16, Section 3.28. First off, this paragraph first sets forth a twenty day deadline to submit final plat to the Commission for review at their next scheduled meeting, then goes on to list thirty days. It should be twenty, which is the current deadline. Secondly, as stated above in the comments made by Commission members, the Commission needs to decide how many extensions to allow. Lastly, this section needs to address final approval of phased subdivisions. Traditionally, a phased subdivision is granted preliminary approval for a period of one (1) year. A Prosecutor’s Opinion reaffirmed this. What has occurred in the past is that a developer will submit a final plat of a particular phase of the subdivision that had been granted preliminary approval. This leaves the remaining phases still under preliminary approval. The Commission has not required a developer to re-file or ask for an extension on the portion of the plat that was granted preliminary approval. The Planning Commission needs to come to a consensus on how to handle preliminary-final approval of phased subdivisions. This is a complicated issue, and it lends itself best to open discussion at the meeting.
6. Page 17, Section 3.32. This section as written has a developer or applicant acquiring all the necessary signatures needed for recording of the final plat. Currently the Planning Commission does not have the developer or applicant do this. The Planning Commission Staff does this. It makes sense for tracking purposes to have the Planning Commission Staff continue this process. If the Commission agrees with this, then this section will be rewritten to reflect that process.

7. Page 18, Section 4.01. The middle of this section contains the statement that: "In most cases, sites that are located wholly within the 100 – Year Floodplain will be regarded as not being suited for subdivision development". It is the very strong suggestion of the Director that this wording be changed to read "In *all* cases, sites that are located wholly within the 100 – Year Floodplain will be regarded as not being suited for subdivision development". There is one subdivision in particular in Wood County that was built in a 100 Year Floodplain area that has caused countless problems for both homeowners and Planning Commission Staff members. Subdivisions in 100 – Year Floodplain areas should not be allowed not only because of the negative environmental effects, but also because of the increased burden to homeowners in regards to obtaining flood insurance, etc.
8. Page 36, Section 5.30. The following or a variation of such should be added to the beginning of the section: "If deemed permissible by the Wood County Engineer". This allows the County Engineer to use their expertise to decide if a subdivision needs storm sewer infrastructure, or if a ditch is sufficient enough to handle drainage.
9. Page 39, Section 6.03, Item B. In the current regulations, developers are limited to a total of five (5) platted lots if there is no sanitary sewer available to the site. There is no provision for a centralized treatment plant (package plant). Given Wood County's abundant clay soils as well as the inevitable maintenance issues associated with package plants, this section should be written to once again limit the number of platted lots in areas not served by sanitary sewer to five lots.
10. Page 48, Section 7.07. It needs to be decided by the Commission as to whether or not shade trees can be planted in the right of way area or not. It is the strong recommendation of the Director that the Commission does not allow shade trees, or any trees for that matter to be placed in the existing road right of way.
11. Pages 51-54, All of Article 8. The County Engineer needs to weigh in on this section. Many of these items such as placing improvements under maintenance and bonding the improvements are addressed much more thoroughly in the fore mentioned Wood County Subdivision Site Improvement Manual. It may make more sense to simply reference this document in Article 8.
12. Page 58, Section 10.00 Item B. The County Engineer has drafted very specific language to be placed in the Owner's Certification portion of the plat. If the Engineer has something different than what is listed as an example, that version needs placed in the Section as the official language.
13. Page 59, Section 10.0 Items F-H. Item F: Currently the Township Zoning Inspector does not sign off on the final plats. The Commission can decide whether or not to continue this practice. Item G: The County Engineer has drafted specific language to be placed under their signature block. This language needs inserted in Item G. Item H: There is no County Sanitary Engineer, only the Northwestern Water and Sewer District. This Item should be changed to Executive Director, Northwestern Water and Sewer District.
14. Page 29, Section 5.12. One issue that has arisen constantly over the years is whether or not cul-de-sacs should have paved or unpaved centers. Unpaved centers are more attractive and add natural, pervious surfaces for storm water to drain to.

On the other hand, snow plowing is much harder when the centers are unpaved. The Commission will need to decide whether or not cul-de-sac centers remain paved or unpaved, but it is the opinion of the Director that the cul-de-sac centers must be paved.

#### **STAFF RECOMMENDATION**

As seen by the list of items above, there are some issues and items that need ironed out before the final version of the regulations is released for the public hearing process. While the list(s) may seem daunting, they do not contain many overly difficult matters to address. The most important items are the ones dealing with issues that may be addressed in the Wood County Engineer's forthcoming Subdivision Site Improvement Manual. If there is any overlap, then it is the Director's suggestion that the improvement manual be referenced for these applicable items. The engineer's manual is much more detailed than what is listed in these regulations when it comes to matters such as improvement maintenance and storm sewer design. The worst scenario would be a final document that is in conflict with what is required in the Engineer's Site Improvement Manual.

As far as an official staff recommendation, the Director's recommendation would be that the Planning Commission makes a motion to accept the regulations and to forward them to the Wood County Commissioners for final approval. The one qualifier to this recommendation is that all the items listed and identified above as well as those introduced at the meeting are resolved prior to approval.

ITEM # 2 – ZONING – MIDDLETON TOWNSHIP

**APPLICANT(S):**

Don Feller, Feller Finch & Associates  
1681 Woodlands Drive  
Maumee, OH 43537

William James  
25394 River Road  
Perrysburg, OH 43551

**PROPOSAL**

Applicants have submitted an application to rezone approximately 8.9 acres of land in River Tract 55 of Middleton Township from an A-1 Agricultural Zoning Classification to an R-2 Residential Zoning Classification. The purpose of this request as stated on the application is that the applicants wish to develop a single family residential subdivision on the property.

**LOCATION**

The property consists of approximately 8.9 acres of land in River Tract 55 of Middleton Township. More specifically, it is located on the east side of State Route 65, River Road. Roachton Road is approximately 855 feet to the north and the Riverbend Subdivision is located directly to the south.

**LAND USE AND ZONING**

The property is currently zoned A-1 Agricultural. Lands to the South are zoned R-3 Residential. Lands to the north and east are zoned A-1 Agricultural, and lands to the west are zoned R-1 Residential and A-1 Agricultural. There are no floodplains or wetlands on the parcel, and water and sewer is available from the south. The Wood County Land Use Plan has designated the area where the parcel is located at as being in an urban infill area and a residential expansion area.

**ATTACHMENTS**

- A. Location map

**STAFF ANALYSIS**

The applicants are requesting that approximately 8.9 acres of land be rezoned from an A-1 Agricultural Zoning Classification to an R-2 Residential Zoning Classification. The purpose of the request as stated on the application is that the applicants are interested in building a four (4) lot single family residential subdivision on the parcel.

The parcel is currently zoned A-1 Agricultural. Lands to the north and east are also zoned A-1 Agricultural. Lands to the west are zoned R-1 Residential and A-1 Agricultural, and lands to the south are zoned R-3 Residential. Land use in the area is medium density residential with denser residential uses occurring to the south and north of the parcel. There are utilities available to the parcel from the south.

**STAFF RECOMMENDATION**

Both the proposed end use and zoning classification request are compatible with existing land use in the area surrounding the parcel, as well as with the Comprehensive Land Use Plan. Building a residential subdivision on the parcel will take some effort on the part of the owners – developers, but it is not out of the question. Regardless of the end use, however, the R-2 zoning is compatible with the existing zoning and land use in the area.

Based on this, it is the recommendation of the Wood County Planning Commission Staff that the Planning Commission recommend to Middleton Township that the Township approve this request.