



**WOOD COUNTY PLANNING COMMISSION
AGENDA
NOVEMBER 4, 2014 at 4:00 PM**

The Wood County Planning Commission will meet in regular session on Tuesday, November 4, 2014 at the County Office Building in Bowling Green, Ohio. The time of this meeting is 4:00pm. A suggested agenda follows:

OLD BUSINESS

NEW BUSINESS

Approval of the October 2014 Planning Commission Meeting Minutes.

WOOD COUNTY PLANNING COMMISSION STAFF ACTIVITIES REPORT

Staff activities for October 2014 will be reviewed.

SUBDIVISION – MIDDLETON TOWNSHIP

Oravec & Associates on behalf of Brian McCarthy – McCarthy Builders have submitted a preliminary residential plat entitled "The Village at River Bend Lakes". 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.

SUBDIVISION – LAKE TOWNSHIP

Feller Finch on behalf of a Mr. George Walker have submitted a preliminary plat for a two (2) lot subdivision entitled "Shealyn Place" in Section 11 of Lake Township. The proposed plat is located on the east side of Pemberville Road between Walbridge and Ayers Roads. The subdivision contains two (2) lots and covers approximately 5.2 acres. The purpose of the subdivision is that the owner-applicant wishes to create an additional parcel split on the property. The applicant's have requested waivers from the Wood County Subdivision Rules and Regulations for the following improvements required under the Regulations: sidewalks, percolation tests, and a tree planting plan.

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ZONING – LIBERTY TOWNSHIP

The Liberty Township Zoning Commission has submitted a series of text amendments to the current Liberty Township Zoning Resolution. These amendments consist primarily of “housekeeping” items such as numbering corrections and the addition of new words to existing definitions. The other amendment(s) pertain to sign regulation and enforcement.

CHAIRMAN’S TIME

DIRECTOR’S TIME

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 have submitted a preliminary plat entitled The Village At River Bend Lakes. This plat 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.

ATTACHMENTS

- A. Location Map
- B. Plat Map
- C. Plat Transmittal Letter, Plat Checklist, and Affidavit of Representation
- D. Engineer's Letter
- E. Prosecutor's Opinion

STAFF ANALYSIS

This 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 are designed for single family residential use, and 184 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 unplatted lands which allows for future extension into these unplatted areas.

The Wood County Engineer's Office has conducted a review of the preliminary plat and has found a total of thirteen (13) errors with the preliminary plat as presented. These errors are relatively minor and are consistent with errors seen on preliminary plats. A copy of the Engineer's Office's transmittal letter listing these errors is attached.

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, 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 as well as 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. (A copy of this opinion is attached) 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 2001.

The Planning Commission may want to consider their own opinion from the Wood County Prosecutor's Office as to whether or not the original variance issued in 2001 can still be applied to the current development given that not only have the owners of the original development changed, but the overall development plan has changed as well.

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.

STAFF RECOMMENDATION

As seen from the Staff Analysis, there are several items that the Planning Commission needs to consider when rendering a decision on preliminary approval of the development as presented. The major, overriding issue involves the non conforming lots and the variance that is being used for the basis of the creation of these lots. This item is one that warrants further legal research and opinion.

Given this as well as the other items identified, the Planning Commission Staff feels that it may behoove the Commission to consider waiting on granting preliminary approval until a solid, unambiguous legal opinion and or solid legal guidance is provided to the Commission in regards to the variance that has been issued by Middleton Township.

ITEM # 2: SUBDIVISION – LAKE TOWNSHIP

APPLICANTS :

George Walker
29918 Pemberville Rd.
Millbury, OH 43447

Feller Finch & Associates
1683 Woodlands Dr.
Maumee, OH 43537

PROPOSAL

Feller Finch & Associates on behalf of Mr. George Walker, have submitted a preliminary plat for a two (2) lot subdivision entitled "Shaelyn Place" in Section 11 of Lake Township. The subdivision contains two (2) lots and covers approximately 5.2 acres. The purpose of the subdivision is that the owner/applicant wishes to create an additional parcel split on the property. However, the number of minor parcel splits allowable on an original tract of land has been exceeded.

The Wood County Land Transfer Policy as well as Planning Commission Office Policy states that a parcel of land is allowed to have a total of four (4) minor parcel splits, which are splits under five (5) acres in size, off of an original tract of land. An original tract is defined as how the parcel existed in 1961. In this case, the applicant's parcel has already been split four (4) times, therefore their only recourse to gain another split is to create a two (2) lot major subdivision. The applicants have requested waivers from the Wood County Subdivision Rules and Regulations for the improvements required under the Regulations such as sidewalks, open space, etc.

This plat had been submitted for approval at the August 2014 Planning Commission meeting but had been denied final approval due to the amount of errors the plat had and lack of a detailed list of waivers from the Wood County Subdivision Regulations that the applicants were asking for.

LOCATION

The proposed plat is located in Section 11 of Lake Township on the east side of Pemberville Road between Walbridge and Ayers Roads.

LAND USE AND ZONING

The property underlying the proposed plat is zoned R-2 Residential, and lands surrounding the parcel on all sides are also zoned R-2. The underlying property of the proposed plat lies within an expansion area as designated by the Wood County Land Use Plan. There are no floodplains or wetlands on this parcel, and all utilities are available to the parcel. Land use in the area is medium density residential.

ATTACHMENTS

- F. Location Map
- G. Plat Map
- H. Transmittal Letter and Affidavit of Representation.
- I. Engineer's Letter

STAFF ANALYSIS

The plat of Shaelyn Place consists of two (2) lots totaling 5.2 acres of land that the applicants currently own. The plat is being created/proposed because the number of allowable minor parcel splits of the underlying property of the plat has been exceeded, so a major platted subdivision needs to be created and approved to allow the further subdivision of this parcel.

Since this plat is being drafted with the purpose of allowing two (2) more minor parcel splits rather than for the development of a full scale platted subdivision, the applicant has requested waivers from the Subdivision Regulations for sidewalks, Percolation Tests, and a tree planting plan.

At the August 2014 meeting when this plat was originally reviewed, the Wood County Engineer's Office stated that a drainage plan for the subdivision was needed by their Office, and had not been submitted with the plat. This new plat has a drainage plan attached to it and it has been submitted to the Engineer's Office for review.

While subdivisions – plats of this nature are relatively rare, they are not unheard of and there are some currently in existence. The last one heard and approved by the Planning Commission was in 2003 and was located on a parcel of land in Grand Rapids Township. The situation was the same in that the applicants wished to create a minor parcel split from a parcel that had already exceeded the amount of minor splits available to it.

In regards to this plat, it meets Lake Township's zoning requirements, and public water and sewer is available to the parcel. The end use (residential) fits in with the County Land Use Plan as well as the existing land use in the area.

The Wood County Engineer's Office has conducted a review of the preliminary plat and has found a total of seven (7) errors with the preliminary plat as presented. These errors are relatively minor and are consistent with errors seen on preliminary plats. A copy of the Engineer's Office's transmittal letter listing these errors is attached,

STAFF RECOMMENDATION

Given the availability of public water and sewer, and the existing land use in the area, it is the Planning Commission Staff opinion that the plat of Shaelyn Place is compatible with the surrounding area. It also appears that the errors and omissions that plagued the previous version of this plat have been addressed and rectified. To this end, it is the recommendation of the Wood County Planning Commission that the Commission grant preliminary approval to Shaelyn Place.

ITEM #3 ZONING – LIBERTY TOWNSHIP

APPLICANT

Liberty Township Zoning Commission
23577 Jerry City Road
Custar, OH 43511

PROPOSAL

The Liberty Township Zoning Commission has drafted and submitted several “housekeeping” items to that need to be corrected, added and adjusted within the current Liberty Township Zoning Resolution. In addition to the maintenance and housekeeping items, Liberty Township also added more language to their current sign regulation section, added language pertaining to mobile homes, added language to their fencing section as well as adding a new section that addresses culverts and driveways.

ATTACHMENT

J. Proposed text changes

STAFF ANALYSIS

As stated in the proposal section above, most of these items are being submitted to correct errors, typographic mistakes and numbering – ordering errors. The remaining items are changes and additions to the Township’s fencing and sign section. There is also one new section added to regulate driveway construction and water runoff onto neighboring properties.

STAFF RECOMMENDATION

The proposed changes seem to be items that will make Liberty Township’s current Zoning Resolution more organized. As for the new items, they appear to be written carefully and shouldn’t create any issues if adopted. The only possibility of an issue is the new section on culverts, sways, and driveways; specifically, the driveway construction portion of the language. The Wood County Engineer’s Office may have already established guidelines for driveway construction along County Roads. If this is the case, then Liberty Township will need to incorporate these requirements into this language.

Lastly, the Planning Commission Staff requests that Liberty Township provide the Planning Commission Office with an electronic version of the Resolution once all of these changes have been made and approved.

To that end, the Planning Commission Staff recommends to the Wood County Planning Commission that the Commission recommend to Liberty Township that the township approve these text changes.

