



**WOOD COUNTY PLANNING COMMISSION  
AGENDA  
NOVEMBER 3<sup>rd</sup>, 2015 at 5:30 PM**

The Wood County Planning Commission will meet in regular session on Tuesday, November 3<sup>rd</sup>, 2015 at the County Office Building in Bowling Green, Ohio. The time of this meeting is 5:30 pm. A suggested agenda follows:

**ROLL CALL**

**APPROVAL OF THE OCTOBER 2015 MEETING MINUTES**

**UNFINISHED BUSINESS**

Eckel Trace Plat Six. This item was tabled at the October Planning Commission meeting. It will be revisited.

Eckel Trace Plat Three. This item was tabled at the October Planning Commission. It will be revisited.

**NEW BUSINESS**

**SUBDIVISION – MIDDLETON TOWNSHIP**

McCarthy Builders have submitted a final plat of the Village of Riverbend Lakes Plat One for review and approval. This is the first plat of the Village Of Riverbend Lakes Subdivision that was granted conditional preliminary approval at the January 2015 Planning Commission meeting. Plat one consists of a total of 30 residential lots and 2 open space lots on 15.656 acres of land.

**ZONING – WASHINGTON TOWNSHIP**

Jerry Miller of Miller Diversified has submitted an application to rezone three parcels of land in Section 5 of Washington Township from an A-1 Agricultural Zoning Classification to an R-2 Residential and an R-1 Residential Zoning Classification. The reason for this request is that the applicant wishes to use these parcel to create residential building lots and let market trends dictate what if any further development will occur on these parcels. The request involves three existing parcels of record.

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***Continued* - ZONING – WASHINGTON TOWNSHIP**

Parcel A consists of 18.9 acres of land located at the northwest corner of Scott and Tontogany Creek Road and the northeast corner of Tontogany Creek Road and Opperman Road. Parcel B consists of 18.9 acres located directly west of Parcel A. Parcel C is located directly west of Parcel B and consists of 40 acres of land. All parcels have road frontage on Scott Road.

**ZONING - LIBERTY TOWNSHIP**

Jim Palmer Excavating has submitted an application to rezone six parcels of land totaling approximately 45 acres in Section 1 of Liberty Township from a C-Commercial Zoning Classification to an I-Industrial Zoning Classification. The reason for this request is to build an office and warehouse for the applicant's construction/excavation company. The land is located at the intersection of Powell Road and S. Dixie Hwy/SR 25. Kramer Road is approximately 1150 feet to the north of the property. This property was previously known as the "Portage Quarry".

**PUBLIC FORUM**

**DIRECTOR'S TIME**

Staff activities for October will be reviewed.

**CHAIRMAN'S TIME/COMMISSION MEMBERS' TIME**

**ADJOURNMENT**

ITEM # 1 - SUBDIVISION – MIDDLETON TOWNSHIP

**APPLICANT(S)**

Feller Finch and Associates  
1683 Woodlands Drive  
Maumee, OH 43537

McCarthy Builders Inc.  
3818 King Road  
Toledo, OH 43617

**PROPOSAL**

Applicants have submitted a final plat of the Village at River Bend Lakes Plat One for review and approval. This is the first plat of the Village at River Bend Lakes Subdivision that was granted conditional preliminary approval at the January 2015 Planning Commission meeting. Plat one consists of a total of 30 residential lots and 2 open space lots on 15.656 acres of land. The point of access for this phase of development will be off of Roachton Road.

**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 northwest portion of the overall development of The Village at River Bend Lakes. As stated in the proposal section above, the point of access for this phase will be off of Roachton Road.

**LAND USE AND ZONING**

Lands west of the plat are zoned A-1 Agricultural. Lands to the east and south are R-3 Residential. Lands to the northeast 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**

- 1 – A Location Map
- 1 – B. Plat Map
- 1 – C. Letter from Engineer's Office

**STAFF ANALYSIS**

This is the first phase or plat of the multi-plat development of The Village of Riverbend Lakes. This plat was granted conditional preliminary approval at the January 6<sup>th</sup>, 2015 Planning Commission meeting.

At that time the conditions set forth by the Planning Commission were as follows:

1. A traffic study be undertaken to ensure that the one proposed entrance off of Roachton Road is adequate enough to handle the additional density and traffic created from the overall plat.
2. The ditch that runs through this new plat be shown on the final plat(s) and any work on said ditch is done in accordance to the requirements of the Wood County Engineer's Office.
3. All issues-errors identified by the Wood County Engineer's Office identified in that Office's December 22<sup>nd</sup>, 2014 letter be corrected and remedied prior to the Planning Commission signing off on the preliminary plat.

As of the time of application, these issues – conditions have been cleared with the Engineer's Office. As for the specifics of these conditions, the Engineer's Office can comment directly on these if needed.

A letter from the Wood County Engineer's Office dated October 21<sup>st</sup>, 2015 has been submitted to the Planning Commission Office. This letter lists and details the issues – items that the Engineer's Office found with the plat. In the Director's opinion, item 3 under the general comments section are the most important; "The Ditch Maintenance Petition has not been submitted". These items warrant further clarification.

As far as plat specifics, the plat contains 30 residential lots and one open space lot. There is also a retention basin located on the plat. Plat improvements include streets with 60 feet of right of way, public water and sewer, open space and all utilities.

#### **STAFF RECOMMENDATION**

As noted above, the entire plat was granted conditional preliminary approval at the January Planning Commission meeting. Per the Wood County Engineer's Office review of the plat, it appears that these conditions have not entirely been met. There were errors with the plat drawing, which needed to be correct per the third condition of preliminary approval.

The ditch petition has not been filed with this plat. This affects compliance with item #2 on the conditions of approval. Specifically the portion that reads: "and any work on said ditch is done in accordance to the requirements of the Wood County Engineer's Office".

The traffic study has been properly addressed per an action from the County Engineer's Office. The Engineers Office can expound on this matter further if need be.

Given that there appears to be a good amount of issues with the original conditions of preliminary plat approval, the case can be made to have the Planning Commission deny approval of the plat as presented. There is also the chance that upon discussion of the item, these errors – issues may be sufficiently addressed and the Commission can grant final approval.

The final Staff Recommendation is to deny the plat as presented unless the errors and missing information from the original conditions can be presented and explained to the Commission's satisfaction.

## ITEM #2 ZONING WASHINGTON TOWNSHIP

### **APPLICANT**

Jerry Miller (agent)  
3410 Briarfield Blvd., Suite A  
Maumee, OH 43537

### **PROPOSAL**

The applicant has submitted a request to rezone three parcels of land in Section 5 of Washington Township from an A-1 Agricultural Zoning Classification to an R-2 Residential and an R-1 Residential Zoning Classification. The reason for this request is that the applicant wishes to use these parcels to create residential building lots and let market trends dictate what, if any further development will occur on these parcels. Parcel A consists of 18.9 acres of land at the northeast corner of Tontogany Creek and Scott Road. This parcel is proposed to be zoned R-2 Residential. Parcels B and C consist of an 18.9 acre parcel of land and a 40 acre parcel of land. These parcels are located directly west of Parcel A. These parcels are being requested to have an R-1 Residential Zoning Classification.

### **LOCATION**

The request involves three existing parcels of record. Parcel A consists of 18.9 acres of land and is located in the northwest quarter of Section Five of Washington Township. More specifically, the parcel is located at the northwest corner of Scott and Tontogany Creek Road. The Ostego High School is located to the south of the parcel in the Village of Tontogany. Parcel B consists of 18.9 acres located directly west of Parcel A. Parcel C is located directly west of Parcel B and consists of 40 acres of land. All parcels have road frontage on Scott Road.

### **LAND USE AND ZONING**

The properties are currently zoned A Agricultural. Lands to the north, east and west of Parcels B and C are also zoned A Agricultural. Lands to the north, east and west of Parcel A are zoned A Agricultural. Lands to the south of Parcel A are located in the Village of Tontogany. The Wood County Land Use Plan has identified these parcels as being in Agricultural and Urban Infill Areas. There are currently no public utilities to these parcels, however, there are public utilities located in the Village of Tontogany to the south.

In regards to environmental constraints, the northeast portion of Parcel A does contain 100 year floodplain. There are no wetlands on the Parcel A. Parcels B and C do not contain any floodplains or wetlands.

### **ATTACHMENT**

2 - A. Location Map

## **STAFF ANALYSIS**

As noted above, the applicant has submitted an application to rezone three parcels of land in Section 5 of Washington Township from an A-1 Agricultural Zoning Classification to an R-2 Residential and an R-1 Residential Zoning Classification.

The reason for this request is that the applicant wishes to use these parcels to create residential building lots and let market trends dictate what if any further development will occur on these parcels.

Said parcels of land that the applicant is seeking to rezone are actually a conglomeration of three separate existing parcels of land. For more ease in identification, the Planning Commission Staff has arranged the parcels involved as follows: Parcel A consists of 18.9 acres of land at the northwest corner of Tontogany Creek and Scott Road. This parcel is proposed to be zoned R-2 Residential. Parcels B and C consist of an 18.9 acre parcel of land and a 40 acre parcel of land. These parcels are located directly west of Parcel A. These parcels are being requested to have an R-1 Residential Zoning Classification.

The applicant has indicated that their intention, if the parcels are rezoned, is to create four building lots along Parcel A's frontage on Tontogany Creek Road. After this, the applicant intends to simply wait and see what the market trends are and what the market dictates. From here, the applicant will decide what if anything will be done with the existing property.

In regards to land use and zoning, the parcels are currently zoned A-1 Agricultural. Lands to the north, east and west of Parcels B and C are also zoned A Agricultural. Lands to the north, east and west of Parcel A are zoned A Agricultural. Lands to the south of Parcel A are located in the Village of Tontogany. The Wood County Land Use Plan has identified these parcels as being in Agricultural and Urban Infill Areas. There are no wetlands on this parcel, however, the northern portion of Parcel A does contain a portion of the 100 Year Floodplain. Given this, any development on this portion of Parcel A will trigger a floodplain review by the Planning Commission Office. This will need to occur prior to any type of development begins on the parcel. There are no utilities available to the parcels, however public water and sewer is available to the south from the Village of Tontogany. Land use in the area is primarily agricultural and rural residential with denser residential uses occurring in the Village of Tontogany.

The proposed parcel splits – residential building lots proposed along Tontogany Creek Road are of the type that the Planning Commission sees and reviews fairly regularly in the Office. Additionally, Washington Township's current minimum parcel frontage requirement of 330 feet in an agricultural zoning district does somewhat hinder in the creation of residential building lots. As for Parcels B and C, it can be argued that the zoning change is preemptive in that if the village runs public utilities to those parcels in the future, the parcels are ready for development without having to go through the

additional step of rezoning. Also, rezoning to an R-1 and R-2 Residential Zoning Classification will not overly affect what the parcels can be used for. Agricultural uses will still be able to occur on the parcels, and residential lots can be created as well.

#### **STAFF RECOMMENDATION**

At the risk of sounding ambiguous, this request can be justified in recommending approval or in recommending denial.

The approving side can be justified by noting that with the availability of public utilities, the parcels might as well be considered slated for residential development.

The denial side can also be justified by noting that the parcels could still be subdivided through the administrative parcel split process to create building lots albeit larger lots than and R-2 and R-1 zoning classification can.

It could also be considered "spot zoning" in that aside from lands to the south of parcel A all surrounding lands are zoned agricultural. However, the parcels are large, and spot zoning is generally agreed to be a different zoning classification on a small lot

Lastly, and perhaps the most important justification in recommending denial is the issue of annexation. In order to develop the property into any kind of residential subdivision, public water and sewer are needed. These would have to come from the Village of Tontogany. In order to use these utilities from the Village, the property would need to be annexed. It can be argued that the request be denied and have the applicant apply for annexation to Tontogany rather than go through the rezoning process at the Township.

Given this information, the Planning Commission Staff recommends that the Planning Commission review the information presented and make a decision from there.



## ITEM # 3 - ZONING – LIBERTY TOWNSHIP

### **APPLICANT(S)**

Jim Palmer Excavating  
12203 E. Gypsy Lane Rd.  
Bowling Green, OH 43402

### **PROPOSAL**

Applicants wish to rezone 45 acres of land from a C Commercial Zoning Classification to an I Industrial Zoning Classification. The applicants would like to change the zoning in order to operate their construction/excavation company on the property.

### **LOCATION**

The property being rezoned consists of 6 parcels totaling approximately 45 acres of land in Section 1 of Liberty Township. More specifically, the land is located at the intersection of Powell Road and S. Dixie Hwy/SR 25 just north of the Village of Portage. Kramer Road is approximately 1150 feet to the north of the property. This property was previously known as the Portage Quarry.

### **LAND USE AND ZONING**

The property is currently zoned C Commercial. Lands to the south, east and north are also zoned C- Commercial. Lands to the west are zoned A – Agricultural, and there are a few R-1 residential properties further west. The Wood County Comprehensive Land Use Plan has designated that area where the parcel is located at as an Urban/Small Town Expansion area. There are no wetlands or floodplains on the property. Public and private utilities are available to the property.

### **ATTACHMENTS**

3 - A. Location Map

### **STAFF ANALYSIS**

The applicant's proposal is to rezone approximately 45 acres of land from a C – Commercial Zoning Classification to an I – Industrial Zoning Classification. The owner needs the Industrial zoning Classification in order to operate his Construction /Excavation business on this property, and to build an office building and a storage building.

Currently the lands surrounding the parcel to the south, east and north are zoned C-Commercial. The lands west of the parcels being rezoned are zoned A – Agricultural, with some R-1 Residential properties approximately ½ mile to the west. Land use in the area is primarily commercial.

There are no floodplains or wetlands on the parcel and public and private utilities are available to this property. The Wood County Land Use Plan has the parcel designated as being located within an Urban/Small Town Expansion area.

Under Liberty Township's zoning regulations, an Industrial zoning classification would be needed in order to operate the applicant's construction/excavation business and for any storage warehouses. The property already has a driveway/curb cut with access to S. Dixie Highway/ State Route 25.

**STAFF RECOMMENDATION**

Given the parcel's location on a State Route as well as its neighboring properties being commercial, 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 Liberty Township that the Township approve this rezoning request.