

Meeting Minutes
Wood County Planning Commission
January 3, 2017 @ 5:30pm

The Wood County Planning Commission met in regular session on Tuesday, January 3, 2017 at the County Office Building in Bowling Green, Ohio. Planning Commission staff in attendance was David Steiner and Katie Baltz. 7 guests were in attendance

Chairman Black called the meeting to order.

Roll Call

John Alexander-Present, Tony Allion-Present, Rob Black-Present, Theodore (Ted) Bowlus-Present, John Brossia-Present, Doris Herringshaw-Present, Craig LaHote-Present, John Musteric-Present, Donna Schuerman-Absent, Leslee Thompson-Absent, David Wirt-Absent.

Mr. Black stated that the Nominating Committee had elected John Alexander as Chair, David Wirt as Vice-Chair and Katie Baltz as Secretary for the 2017 Planning Commission Officers. Mr. Allion made a motion to accept the Nominating Committee's recommendations for officers; Mr. LaHote seconded the motion, Commission members responded in full support.

Unfinished Business

Mr. Alexander welcomed the new members to the Planning Commission.

Mr. Alexander stated that the Wood County Planning Commission generally adopts Roberts Rule of Order and the Chair does not usually vote, Mr. Alexander stated that there was an exception for smaller committees under or about 12 members that would allow the Chair to participate in the discussion and to vote. Mr. Steiner stated that in the past that the Chairman had not voted unless needed to break a tie. Mr. Black stated that the Chairman has been and should be involved in discussion and made a motion to use the rules relating to the smaller committees that would allow the Chairman to vote. Mr. LaHote seconded the motion, Mr. Alexander asked for a roll call:

John Alexander-Yes, Tony Allion-Yes, Rob Black-Yes, Theodore (Ted) Bowlus-Yes, John Brossia-Yes, Doris Herringshaw-Yes, Craig LaHote-Yes, John Musteric-Yes, Donna Schuerman-Absent, Leslee Thompson-Absent, David Wirt-Absent.

New Business

Mr. Black made a motion to approve the December 6, 2016 Planning Commission meeting minutes, Mr. Bowlus seconded the motion. Roll Call: John Alexander-Yes, Tony Allion-Yes, Rob Black-Yes, Theodore (Ted) Bowlus-Yes, John Brossia-Yes, Doris Herringshaw-Yes, Craig LaHote-Abstain, John Musteric-Abstain, Donna Schuerman-Absent, Leslee Thompson-Absent, David Wirt-Absent.

Staff Activities Report

Mr. Steiner read the Staff Activities Report for the Months of November and December 2016.

SUBDIVISION - PERRYSBURG TOWNSHIP

A&M Green Family Limited Partnership had submitted a Final Plat titled "Replat of Lots 10 and 11 of Victory Place Plat 1".

Mr. Steiner stated that the applicants would like to further develop vacant land located in the existing Victory Place Subdivision. Mr. Steiner stated that the plat was currently zoned for and being used for multifamily housing, and that the new proposal would continue the plats use as a multifamily residential development.

Mr. Steiner stated that the subject parcels were lots 10 and 11 in the existing plat of Victory Place Plat 1. Mr. Steiner stated that the lots in question were located at the intersection of East Winner's Circle and Triumph Lane. Mr. Steiner stated that the subdivision of Victory Place Plat 1 was located at the northwest corner of Tracy and Ayers Roads in Section 36 of Perrysburg Township.

Mr. Steiner stated that the current lots were zoned R-5 Multifamily Residential, Lands to the north were located in the same development and were also zoned R-5 Residential. Mr. Steiner stated that the current Wood County Land Use Plan had the area where the plat is located at as being in an urban – small town expansion area, and an employment center. Mr. Steiner not that there were no identified floodplains or wetlands on the parcel where the proposed plat was to be located.

Mr. Steiner stated that the subject replat consisted of a reconfiguration of Lots 10 and 11 as they currently exist into one new lot. Mr. Steiner stated that the new lot contained approximately 4.446 acres of land, and access was available via East Winners Court to the east and Triumph Lane to the south. Mr. Steiner stated that Plat improvements include public water and sewer, streets and storm sewers and temporary turnarounds were to be created and were noted on the plat.

Mr. Steiner stated that Planning Commission Staff had identified a series of minor scrivener errors on the signature page that will need corrected prior to plat submittal for final approval.

Mr. Steiner state that the Wood County Engineer's Office reviewed this plat as well, and found the same scrivener errors that the Planning Commission Staff had found, as well as some other items of concern.

At this point in the meeting, Greg Bockrath of Bockrath and Associates introduced himself to Commission members and stated that he was the Consulting Engineer for the applicant.

Mr. Steiner stated that the original plat had designated plat 10 as being open/green space.

Mr. Steiner stated that the owners, Mr. Bockrath and the Planning Commission Staff had discussed creating an escrow agreement for the current green space situation, and would look at satisfying the green space requirement with future plats. Mr. Steiner stated that Perrysburg Township would review park and Open Space Requirements through their site plan review.

Mr. Alexander stated that the County Engineer had listed major errors with the plat. Mr. Musteric stated that he hadn't reviewed the revised plat, and that his biggest area of concern would be the detention area and whether it would be sufficient in size to handle the volume of water that needed to be detained. Mr. Bockrath stated that his calculations showed that the detention area would be sufficient in size.

Mr. Black asked if the deficiencies in the plat would be corrected before the item was reviewed by Perrysburg Township. Mr. Bockrath stated that he would have them corrected.

Mr. Black made a motion to grant final approval of the "Replat of Lots 10 and 11 of Victory Place Plat 1" with the condition that the Engineering issues were corrected before the Plat was reviewed by Perrysburg Township. Mr. Musteric seconded the motion. All present voted aye and the motion was carried.

ZONING – MIDDLETON TOWNSHIP

JJJ Family Properties LLC had submitted an application to rezone approximately 94.9 acres of land in Section 20 of Middleton Township from an A-1 Agricultural zoning classification to an M-1 Light Industrial zoning classification.

Mr. Steiner stated that the applicants did not have a specific end use designated; rather they desired to have the property zoned in advance in case an end user expressed interest in the parcel for industrial uses.

Mr. Steiner stated that the subject property consisted of two (2) separate parcels of land located at the northeast corner of 582 and Mercer Road. Mr. Steiner stated that Interstate 75 bordered the parcel directly to the east, and Route 25 was approximately 1.38 miles to the west.

Mr. Steiner stated that the parcel was currently zoned A-1 Agricultural. Mr. Steiner stated that lands to the east across I-75 were zoned A-1, and lands to the south, west and north were also zoned A-1. Mr. Steiner stated that the land use in the area currently consisted of agricultural and rural residential. Mr. Steiner stated that there were no floodplains or wetlands on the parcels, and the Wood County Comprehensive Land Use Plan had designated this area as being in an Employment Center and an Urban Small Town expansion area. Mr. Steiner stated that utilities were currently not available to the site; however they were in the area and could be extended.

Mr. Steiner stated that the Planning Commission reviewed and recommended approval for a 160 acre parcel of land located diagonally of the subject parcel to be rezoned to M-1 for the same reasons the subject parcel is being rezoned.

Mr. Steiner stated that it would be the recommendation of the Wood County Planning Commission Staff that the Planning Commission recommend to Middleton Township that the Township approves the rezoning request.

Attorney Tom Teet was present to represent the applicant. Mr. Teet stated that the rezoning request contained 2 adjoining parcels to be rezoned. Mr. Teet stated that the land was not currently for sale but prospective buyers did not appear to be interested in land zoned agricultural, and would like to rezone the property in order to be “shovel ready”. Mr. Teet stated that the water and sewer were not on site but there could be potential plans for utilities to be expanded to Dunbridge Road in the future.

Mr. Brossia asked if the Planning Commission notified surrounding land owners of rezoning requests. Mr. Steiner stated that the Township notifies all neighboring properties of the rezoning hearings held at the Township.

Mr. Black made a motion to recommend that Middleton Township approve the request to rezone 2 parcels of land totaling approximately 94.9 acres of land from an A-1 Agricultural zoning classification to an M-1 Light Industrial zoning classification. Mr. Musteric seconded the motion. All present voted aye and the motion was carried.

ZONING – MIDDLETON TOWNSHIP

The Middleton Township Zoning Commission submitted two (2) text amendments for review and approval.

Mr. Steiner stated that the first text amendment involved a ditch setback provision. Mr. Steiner stated that recently Middleton Township had been dealing with an issue pertaining specifically to a ditch setback discrepancy. Mr. Steiner stated that the proposed amendment stated that in all zoning districts, a setback of forty (40) feet from the top of the nearest bank of a drainage ditch shall be required for all structures.

Mr. Steiner stated that the second amendment was a new labeled Alternative Energy Regulations. Mr. Steiner stated that the new language added more clarity and safety measures to the existing wind turbine language and included an entirely new section addressing solar panels.

Jeff Ford, Middleton Township Zoning Inspector stated that the words “publicly established” were removed and replaced with “drainage ditches” due to discrepancies between whether it was a public ditch or private ditch.

Mr. Black asked if “top of bank” was defined. Mr. Ford stated that “top of the nearest bank” was not defined. Mr. Black stated that “top of bank” may need to be defined in order to be less subjective.

Mr. Ford stated that the solar panel language was geared more towards commercial grade solar panels.

Mr. Musteric asked if there was a reason why the township needed 40 feet from the top of the bank. Mr. Ford stated that it was changed from centerline of the ditch to the top of the bank around 2011 and was in place before he became zoning inspector and that every township was different. Mr. Ford stated that Perrysburg Township had the same requirement.

Mr. LaHote asked if any already approved plats would be grandfathered under the previous requirements. Mr. Ford stated that he believed that previously approved plats should be grandfathered.

Mr. Musteric stated that “top of bank” should be better defined. Mr. Brossia stated that he agreed that “top of bank” should be better defined.

Mr. Teet asked how you would define the centerline of a ditch or waterway. Mr. Musteric stated that he would define it as the distance between the toes of the ditch, (not the thread), measure the distance between the toes of the ditch and split the distance and that would be the centerline, or the lowest part of the ditch where the water flows through. *(Mr. Musteric stated that the January 3, 2017 meeting minutes needed to be corrected on Page 5, paragraph 4. Mr. Musteric stated that the lowest part of the ditch where the water flows through is not the center of the ditch; Mr. Musteric stated that it should be called the “thalweg” and is not necessarily in the center of the ditch).*

Following a brief discussion, Mr. Black made a motion to recommend that Middleton Township approve the zoning text amendments. Mr. LaHote seconded the motion. All present voted aye and the motion was carried.

SUBDIVISION VARIANCE

Donald and Harley Tyson submitted an application seeking a variance from the frontage requirements set forth in the Wood County Subdivision Rules and Regulations.

Ms. Baltz stated that the applicant’s property was located in Montgomery Township, an unzoned township. Ms. Baltz stated that in unzoned townships, the Wood County Subdivision Rules and Regulations pertaining to minimum parcel frontages and lot sizes were enforced.

Ms. Baltz stated that the subject property consisted of 40.23 acres of land in Section 20 of Montgomery Township. Specifically, the property was located on the west side of Defiance Pike (SR 281) approximately 0.75 mile southwest of Mermill Road and the rear of the property was approximately 0.25 mile east of McCutchenville Road (SR 199).

Ms. Baltz stated that the applicant was seeking a variance from the 175 foot frontage requirements set forth in the Wood County Subdivision Rules and Regulations in order to subdivide the property.

Ms. Baltz stated that there were no public utilities on site, no floodplains and no wetlands on the property. Ms. Baltz stated that the current Wood County Land Use Plan had designated the area as an urban small town expansion area and next to a limited rural development area.

Ms. Baltz stated that the applicant would like to split the parcel into three parcels. Ms. Baltz stated that the first parcel would contain the existing home and would be split between two buildings and would be required to meet setback requirements and would have approximately 185 feet of road frontage. Ms. Baltz stated that the second parcel would contain all of the farmland and would be approximately 23 acres in size with 175 feet of road frontage.

Ms. Baltz stated that the third parcel would receive the variance and would use the remaining frontage, estimated to be approximately 150 feet.

Ms. Baltz stated that the exact frontage amounts could not be determined until a land survey had been performed to show exactly how much frontage would be needed to create the lines as desired. Ms. Baltz stated that the owner would like to obtain the variance for the frontage before hiring and paying a surveyor to survey 40 acres of land that may or may not be approved for a variance.

Ms. Baltz stated that the applicant was proposing to split the land in such a way that 2 of the 3 parcels meet the minimum requirements, and the third parcel would be short by approximately 30 feet.

Ms. Baltz stated that the Planning Commission Staff felt that the variance request was a reasonable request to consider, but ultimately it would be up to the Planning Commission to decide whether to grant or deny the variance from the 175 feet of required frontage for the parcel.

Ms. Baltz stated that any parcels being created would be reviewed by the Planning Commission Staff and the Engineer's Office staff for approval.

Mr. Don and Harley Tyson stated that the presentation was an accurate description of their request.

Mr. Alexander stated that the Subdivision Regulations specified in section 2.03 that variance requests can be approved if they are not injurious to other properties. Mr. Alexander stated that the request would not appear to injuriously affect other properties if the Commission considered using language of not more than or not less than 30 or more feet for the frontage variance.

Mr. Black asked if the Planning Commission denied the request if the applicant could appeal to the Common Pleas Court. Mr. Steiner stated that the applicant could take their complaint/appeal to the Common Pleas Court within a specific time period.

Mr. Teet stated that he has seen Township appeals go to the Common Pleas Court and have been overturned.

Mr. Musteric asked why frontage on parcel #1 couldn't be reduced by 10 feet. Ms. Baltz stated that the lines were drawn to fit between existing buildings.

Mr. Musteric stated that the lines could be drawn at an angle to gain an extra 10 feet of frontage. Ms. Baltz stated that the lines could be angled, but parcel three would still not have enough frontage.

Mr. Musteric asked if the parcel had ever been surveyed. Mr. Harley Tyson stated that the parcel was last surveyed in 1944 when his father purchased the property. Ms. Baltz stated that the legal description on file in the Recorder's office stated that there was 510 feet of frontage.

Mr. Allion stated that he would probably abstain from the vote because he is friends with the applicants. Mr. Allion stated that in the past the Planning Commission would allow a property to meet the frontage width requirement at the building line instead of at the road if the road frontage was not available. Mr. Allion stated that the proposed parcel #3 would meet the 175 foot width at the building line.

Mr. Brossia asked how the proposed lines were drawn on the attachment 4-B and if they were set in stone. Ms. Baltz stated that she worked with the applicant to use the Auditor's website to draw approximate lines on the drawing.

Mr. Alexander stated that since there was not a survey of the new proposed parcels, that any motions for a variance would need to reference the drawing on Attachment 4-B.

Mr. Black stated that there were too many unanswered questions and made a motion to table the item until the next month. Mr. Musteric seconded the motion.

Ms. Herringshaw stated that she thought that the Planning Commission should give the applicant some kind of direction if they are going to deny the request, and stated that it can take a lot of time to have the parcel surveyed.

Mr. Alexander stated that the request didn't appear to be against the public interest, but was concerned that a variance was being granted for a parcel that does not yet exist. Mr. Alexander stated that the variance would need to reference drawing Attachment 4-B to reference parcel #3 and would need to specify the number of feet being granted for the variance.

Following additional discussion Mr. Black made a motion to withdraw his motion to table the item. Mr. Musteric withdrew his second.

Mr. Alexander stated that the variance from the Subdivision Rules and Regulations for the required 175 feet of road frontage should not to exceed 35 feet for parcel #3 as drawn on Attachment 4-B with the understanding that the Planning Commission staff would review the survey to ensure that the variance does not exceed 35 feet. Mr. Black made a motion to grant the variance with the agreed upon stipulations that the length of the frontage does not exceed 35 feet. Mr. Bowlus Seconded the motion.

Roll Call: Commissioner Herringshaw – Yes, John Brossia – Yes, John Musteric – Yes, Rob Black – Yes, John Alexander-Yes, Craig LaHote – Yes, Theodore (Ted) Bowlus-Yes, Tony Allion-Abstain, motion carried.

CHAIRMAN’S TIME/COMMISSION MEMBERS’ TIME

DIRECTOR’S TIME

LAND USE PLAN UPDATE

Mr. Steiner stated that the final open house that had been scheduled to allow the public to view the final draft of the land use plan had been held in early December. Mr. Steiner further noted that very few members of the public attended. Mr. Steiner stated that the final draft would be mailed to Planning commission members for review before the February 2017 Planning Commission meeting.

FY15 CDBG Allocation Project

Mr. Steiner stated that the FY15 CDBG City of Rossford ADA project was not completed by the State mandated deadline, and that the State refused to grant an extension to Wood County for the project. Mr. Steiner stated that the County Commissioners agreed to request a waiver from the State to use Revolving Loan Funds to complete the project. Mr. Steiner stated that the County will give specific instructions to the City of Rossford informing the City what actions the City needs to take in order for the County apply for a waiver. Failure to complete these actions and provided the requested documentation will result in the City having to reapply for the project in the spring and compete with the other applicants.

2017 Planning Commission Meeting Schedule

Ms. Baltz stated that July 4th fell on a Tuesday in 2017, so the meeting would be held on July 11, 2017. Mr. Musteric stated that the October 10th meeting should really be on October 3, 2017. Mr. Allion asked if the August 8, 2017 meeting is on the second Tuesday to avoid the fair. Ms. Baltz stated that August 8, 2017 was in order to avoid the Wood County Fair. Mr. Steiner stated that a revised calendar would be created and distributed at the February Planning Commission Meeting.

There being no further items of business, Mr. Black made a motion to adjourn the January 3, 2017 Planning Commission Meeting. Mr. Musteric seconded the motion, Commission members responded in full support, meeting adjourned.