

# Wood County Planning Commission WCPC

## WOOD COUNTY PLANNING COMMISSION

### AGENDA

April 2<sup>nd</sup> 2019 at 5:30 PM

The Wood County Planning Commission will meet in regular session on Tuesday, April 2<sup>nd</sup>, 2019 at the County Office Building in Bowling Green, Ohio. The time of this meeting is 5:30 pm. A suggested agenda follows:

#### OLD BUSINESS

##### SUBDIVISION – MIDDLETON TOWNSHIP

Feller Finch & Associates on behalf of McCarthy Builders had submitted a request to extend preliminary plat approval for the Village at Riverbend and River Bend Lakes Plats 4-6 at the March 5<sup>th</sup>, 2019 meeting. River Bend Lakes Plats 4-6 was granted preliminary plat approval extension. The Village at Riverbend request was tabled until the April 2<sup>nd</sup>, 2019 meeting. The item was tabled due to concerns from Commission members that the originally approved preliminary plat had changed. In order to give Planning Commission members time to assess the request, and to give the applicant(s) an opportunity to attend the meeting, the item was tabled.

The applicants have indicated that they wish to continue to seek an extension, and that they will be in attendance to explain that the plat has not changed.

A plat map transmitted by the applicant is attached to this agenda packet.

#### NEW BUSINESS

Approval of the March 2019 Planning Commission Meeting Minutes

##### ZONING – PLAIN TOWNSHIP

A Jody and James Williams have submitted an application to rezone several parcels of land totaling approximately 3.560 acres from an Agricultural zoning classification to a Commercial zoning classification. Some of the subject parcels are currently occupied by a well drilling business, and the applicants have indicated that they wish to establish a cold storage facility on the other parcels. Both parcels are located on the east side of Mitchell Road in Section 35 of Plain Township.

##### ZONING – LAKE TOWNSHIP

A Patrick J. and Susan K. Gallagher have submitted an application to rezone an 11.154 acre portion of a 50.5 acre parcel of land from an A-1 Agricultural zoning classification to a B-2 General Business zoning classification. The applicants stated they intend to develop a storage lot

on the parcel for impoundments. The parcel is located on the east side of Pemberville Road, between Hanley Road and Genoa Road/State Route 163, in section 35 of Lake Township. The parcel is directly north of the turnpike.

**PUBLIC FORUM:**

**CHAIRMAN'S/COMMISSION MEMBER'S TIME**

**DIRECTOR'S TIME**

**WOOD COUNTY PLANNING COMMISSION STAFF ACTIVITIES REPORT**

Staff activities for March 2019 will be reviewed.

**ADJOURNMENT**

*Please make plans to attend!*

**Meeting Minutes**  
**Wood County Planning Commission**  
**March 5, 2019 @ 5:30pm**

The Wood County Planning Commission met in regular session on Tuesday, March 5, 2019 at the County Office Building in Bowling Green, Ohio. Planning Commission staff members in attendance were David Steiner and Deminique Heiks. Planning Commission members in attendance were Tony Allion, Steve Arnold, Ted Bowlus (departed at 6:15 pm), John Brossia, John Musteric, Barbara Ruland, Jeffrey Schaller, John Schuerman, and Erik Wineland. Eight guests were in attendance.

Chairman John Musteric called the meeting to order.

**Old Business**

**New Business**

Mr. Bowlus made a motion to approve the February 2018 Planning Commission meeting minutes. Mr. Arnold seconded the motion. Mr. Musteric called for a vote.

Mr. Allion - Yes, Mr. Arnold - Yes, Mr. Bowlus - Yes, Mr. Brossia - Yes, Ms. Herringshaw - Absent, Mr. LaHote - Absent, Mr. Musteric - Yes, Ms. Ruland - Abstain, Mr. Schaller – Yes, Mr. Schuerman - Yes, Mr. Wineland - Yes.

**ZONING – HENRY TOWNSHIP**

The Henry Township Trustees submitted a resolution to initiate the rezoning of approximately 1,920 acres of land in the southwest portion of the township from an A Agricultural zoning classification to an Industrial zoning classification.

Mr. Steiner provided an overview of the application. Mr. Steiner stated that this is an area that the Economic Development Commission, Port Authority, Henry Township, and he long wanted to be zoned industrial, and an industrial land use for the area had been taken into account when the current Land Use Plan was drafted. Mr. Steiner stated the Land Use Plan identified the land as a Targeted Economic Development area. Mr. Steiner stated he recommended approval of the application.

Mr. Wineland asked whether the commission members approve the application or make a recommendation. Mr. Steiner stated the board's role is to make a recommendation to the township to approve or deny the application. Mr. Steiner stated the township trustees have the final decision as to whether or not to approve the application.

Mr. Wineland asked about the Ohio Department of Natural Resources (ODNR) Wildlife Production Area that is located near the parcels. Mr. Steiner stated the end user would most likely need to coordinate with the ODNR. Mr. Wineland asked if the parcels were part of that area. Mr. Steiner stated no.

Mr. Wineland asked the guests in attendance representing the rezoning request to identify themselves. Mr. Skip Baltz identified himself as the zoning inspector for Henry Township. Mr.

John Stewart identified himself as a Henry Township Trustee. In addition to the Henry Township representatives, Carri Leathers Stanley from the Wood County Prosecutor's Office identified herself as the legal counsel for Henry Township. Mr. Wineland asked them if they had heard from any of the surrounding neighbors in regards to the proposal. Mr. Skip Baltz, the Henry Township stated that some farmers raised their concerns that the rezoning would increase their property taxes. Mr. Baltz told the concerned individuals that their property taxes would not increase, if they continued to farm the land.

Mr. Arnold made a motion to recommend that Henry Township approve the rezoning request. Mr. Schaller seconded the motion.

Mr. Musteric called for a vote.

Mr. Allion - Yes, Mr. Arnold - Yes, Mr. Bowlus - Yes, Mr. Brossia - Yes, Ms. Herringshaw - Absent, Mr. LaHote - Absent, Mr. Musteric - Yes, Ms. Ruland - Yes, Mr. Schaller – Yes, Mr. Schuerman - Yes, Mr. Wineland - Yes.

#### **ZONING – TROY TOWNSHIP**

A Stanley and Kathryn A. Chlebowski submitted an application to rezone a 69.85 acre parcel of land in Section 4 of Troy Township from an A-1 Agricultural zoning classification to an I-1 Light Industrial zoning classification.

Before he began his presentation, Mr. Steiner stated to the Commission members that even if the subject parcel were to be rezoned, it could still be farmed and would not be taxed at the industrial rate, just like the parcels involved in the Henry Township rezoning.

Mr. Steiner provided an overview of the application. Mr. Steiner stated the applicants intended to install a solar array on the property. Mr. Steiner reminded the members that if the parcel is rezoned, then any permitted industrial use or approved conditional use could occur on it.

Mr. Arnold asked if a residence was located north of the parcel. Mr. Steiner stated yes.

Mr. Steiner stated the Future Land Use Plan classifies the location of the parcel as being in a Growth Management area. Mr. Steiner stated growth is expected in the area, but the purpose of the designation is to ensure the area grows in a controlled manner. Mr. Steiner stated he recommended approval of the application.

Mr. Phil Caron, the applicants' representative, stated the applicants have a great deal of experience in the solar energy field.

Mr. Wineland asked Mr. Caron to describe what the solar array would look like when the construction was completed. Mr. Caron stated the solar array would be low to the ground. Mr. Caron explained that no concrete would be utilized in the installation. Mr. Wineland inquired about the amount of panels that would be installed. Mr. Caron stated he did not know.

Mr. Brossia inquired about the recipients of the energy generated by the solar array. Mr. Caron stated First Energy would receive the energy. Mr. Wineland asked Mr. Caron if the energy

would be sold to First Energy. Mr. Caron stated yes, the applicants' company would be a third tier energy supplier.

Ms. Ruland asked Mr. Caron if he had an estimated yield. Mr. Caron stated yes. Ms. Ruland asked how many homes could be powered by the energy. Mr. Caron stated he did not know.

Mr. Schaller asked about the status of the property with a residence just north of the parcel. Mr. Caron stated the applicants had not released the program to many individuals. Mr. Caron added that if the owners of the property north of the parcel intended to sell their property, the applicants would purchase the property. Mr. Steiner stated the owners would be notified about the rezoning by Troy Township, which is a legal requirement per the Ohio Revised Code. Mr. Caron stated all of the surrounding property owners will be notified and invited to a public hearing about the proposed rezoning before the final decision is made.

Mr. Brossia asked how many of the parcel's acres would be utilized for the solar array. Mr. Caron stated that they plan to use as many as possible.

Ms. Linda Holmes, a Wood County prosecutor, asked if the high rock in the area would impact the installation and if high winds would cause issues. Mr. Caron stated no.

Mr. Brossia stated he was interested in learning the opinion of Troy Township's representative. Mr. Todd Gottschalk, the Troy Township zoning inspector, stated he did not see the solar array being an issue, but he had some reservations about the rezoning because it had the potential to result in uses other than a solar array.

Ms. Holmes presented an alternative option for the solar array. Instead of rezoning the parcel to an I-1 Light Industrial zoning classification, Troy Township could amend the text of their Zoning Resolution to make a solar array a conditional use in an A-1 zoning district.

Ms. Ruland asked for clarification about one of Mr. Steiner's slides, which said any use would have to run through the Troy Township Board of Zoning Appeals. Mr. Steiner stated he believed all of uses in the I-1 zoning classification were conditional uses that would require approval from the Troy Township Board of Zoning Appeals. Mr. Gottschalk stated the I-1 zoning classification does include permitted uses. Mr. Gottschalk added that site reviews would still need to take place for any end uses.

Mr. Wineland expressed concerns about the rezoning, especially in regards to the parcel's location in a Growth Management area. Mr. Wineland stated it seemed like the proposed zoning would result in a jigsaw-type zoning.

Mr. Wineland stated he was intrigued with Ms. Holmes's idea to keep the current zoning classification and allow a solar array to be a conditional use. Mr. Wineland asked if that proposition would harm the project. Mr. Caron stated he did not think the proposed alternative would harm the project, but timing would be an issue. Mr. Steiner asked if enacting the proposed alternative would allow the solar array project to meet its deadlines. Mr. Gottschalk said following the steps of the proposed alternative would push the timeline right up to the deadline. Ms. Ruland asked about the potential impacts of denying the rezoning request and

recommending the alternative option. Mr. Gottschalk stated it would result in delaying the solar array project by a month. Ms. Holmes stated there is some authority to modify the application, but she would need to do more research on that area.

Mr. Wineland asked whether the board approved similar requests in the past, looking for specific examples. Mr. Steiner said the Troy Energy facility was a similar situation.

Mr. Musteric asked Mr. Wineland to further explain his concerns about the rezoning in the Growth Management area. Mr. Wineland stated he was looking for consistency. Mr. Wineland stated he did not think it was a good policy for a Growth Management area to have an inconsistent mix of different types of zoning. Mr. Steiner stated the large size of the parcel negates a spot zoning argument. Mr. Steiner further added that the parcel's location on a major road, near a highway and interstate, makes it a manageable area. Mr. Steiner stated that area is where industrial uses should be located. Ms. Holmes stated if any other industrial use would occur on the property, it would incur quite an expense because utilities would need to be extended to the parcel. Ms. Holmes said she did not believe the parcel would quickly turn over to another industrial use.

Mr. Brossia asked if Troy Township and the schools nearby would benefit from the proposed project. Mr. Caron stated the taxation would be higher for a solar array than farmland.

Mr. Schaller asked Mr. Caron if he had an estimated cost for the project. Mr. Caron stated the estimate was between \$10-11 million. Ms. Holmes asked Mr. Caron if he was going to seek a tax abatement. Mr. Caron stated yes.

Mr. Musteric stated the ditch on the property is under maintenance, so there are setbacks for it. Mr. Musteric stated a permit from the state would be required for ingress and egress.

Mr. Schaller made a motion to recommend that Troy Township approve the request to rezone the parcel to an I-1 Light Industrial classification. Ms. Ruland seconded the motion.

Mr. Musteric called for a vote.

Mr. Allion - Yes, Mr. Arnold - Yes, Mr. Bowlus - Yes, Mr. Brossia - Yes, Ms. Herringshaw - Absent, Mr. LaHote - Absent, Mr. Musteric - Yes, Ms. Ruland - Yes, Mr. Schaller - Yes, Mr. Schuerman - Yes, Mr. Wineland - Yes.

#### **SUBDIVISION – MIDDLETON TOWNSHIP**

Feller and Finch and Associates, on behalf of McCarthy Builders, had submitted a request to extend preliminary plat approval for the plats of the Village at Riverbend and River Bend Lakes Plats 4-6.

Mr. Steiner stated he did not believe anything changed with River Bend Lakes. Mr. Musteric concurred.

Mr. Steiner noted that Mr. Musteric informed him that the Village at Riverbend plat had changes made to it that were different than what the Planning Commission had originally

granted approval to. Mr. Musteric stated that the applicants should have submitted the same plat drawing the board granted preliminary approval to. Mr. Musteric stated that no representatives for the item were in attendance.

Mr. Steiner recommended the members approve the River Bend Lakes request and deny the Village at Riverbend request, until they receive more information.

Mr. Musteric stated they should table the River Bend Lakes request until the plat developers produced a drawing of what they intend to carry out.

Mr. Wineland asked which subdivision did they previously have issues with certain commitments. Multiple members answered the Village at Riverbend.

Mr. Wineland asked if developers are provided guidance on what they need to submit. Mr. Steiner stated he was unsure and would need to look into it. Mr. Steiner stated the letters are definitely required, but did not know if they are required to resubmit the plat.

Ms. Ruland stated both letters state that no changes were made to the plats.

Mr. Allion stated it would prevent issues to ask them to resubmit the plat.

Mr. Wineland made a motion to approve the preliminary approval extension of the River Bend Lakes Plats 4-6 development and to table the Village at Riverbend preliminary approval extension request until clarification that the preliminary approved layout had not changed. An additional component to Mr. Wineland's motion was that the status of the road that was previously committed to be clarified. Mr. Allion seconded the motion.

Mr. Musteric called for a vote.

Mr. Allion - Yes, Mr. Arnold - Yes, Mr. Bowlus - Absent, Mr. Brossia - Yes, Ms. Herringshaw - Absent, Mr. LaHote - Absent, Mr. Musteric - Yes, Ms. Ruland - Yes, Mr. Schaller - Yes, Mr. Schuerman - Yes, Mr. Wineland - Yes.

## **PUBLIC FORUM**

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

### **DIRECTOR'S TIME**

#### **Staff Activity Report**

Mr. Steiner asked the commission members if the staff activities report they received fulfilled the requests they made at the February meeting.

Mr. Musteric asked for 2019 to be included in the table.

Mr. Steiner reviewed the staff activities performed in February 2019.

Mr. Schaller made a motion to adjourn the March 5, 2019 Planning Commission meeting. Mr. Wineland seconded the motion. Commission members responded in full support. The meeting adjourned.

DRAFT

**OLD BUSINESS:**

At the March 5<sup>th</sup>, 2019 Planning Commission meeting the Commission heard and reviewed a request for preliminary plat extension for the plats of the Village at Riverbend and River Bend Lakes Plats 4-6. The Commission granted River Bend Lakes Plats 4-6 a one year preliminary plat extension.

When the Village at Riverbend extension request was brought up for discussion, some concerns were raised regarding whether or not the originally approved preliminary plat had changed or not. Since there were questions regarding this, the Commission moved to table the item until verification that the plat has not changed be obtained.

In subsequent conversations with the plat engineer, it was reaffirmed that the preliminary plat had not been altered. The plat engineer has stated to the Director that he will be in attendance at the meeting to verify that no changes have been made to the originally approved preliminary plat. In addition, the applicant has provided a plat map documenting there have been no changes.

# PRELIMINARY PLAT

# *The Village at Riverbend*

BEING PART OF RIVER TRACTS 53, 54 & 55, TOWN 1, USR,  
MIDDLETON TOWNSHIP, WOOD COUNTY, OHIO

### LOT DATA

**EXISTING PARCEL NUMBERS**  
 J38-100-5230-00-002-000  
 J38-100-5230-00-004-000  
 J38-100-5230-00-005-002  
 J38-100-5220-00-052-001  
 J38-100-5220-00-001-000  
 J38-100-5220-00-003-000

EXISTING ZONING .....R-3  
 PROPOSED ZONING .....R-3

### 306 TOTAL LOTS PROPOSED

OPEN SPACE AREA = 12.05± ACRES  
 STREET AREA = 22.70± ACRES  
 LOT AREA = 88.43± ACRES  
 TOTAL SITE AREA = 123.18± ACRES

### SINGLE FAMILY (307 LOTS)

MINIMUM LOT WIDTH .....75'  
 MINIMUM LOT AREA .....10,000 SF  
 MINIMUM FRONT YARD .....30'  
 MINIMUM REAR YARD .....30'  
 MINIMUM SIDE YARD .....10'  
 MINIMUM TOTAL SIDE YARD .....25'

### SITE ANALYSIS

- NUMBER OF LOTS = 306
- 60' RIGHT OF WAY W/ 29' PUBLIC ROADS
- SIDEWALKS
- SANITARY SEWERS
- STORM SEWERS
- WATERLINES
- NATURAL GAS
- 12' UTILITY EASEMENTS
- UNDERGROUND ELECTRIC, PHONE AND CABLE

### NOTES:

EXISTING BUILDING SETBACK LINES OF ADJACENT PARCELS:

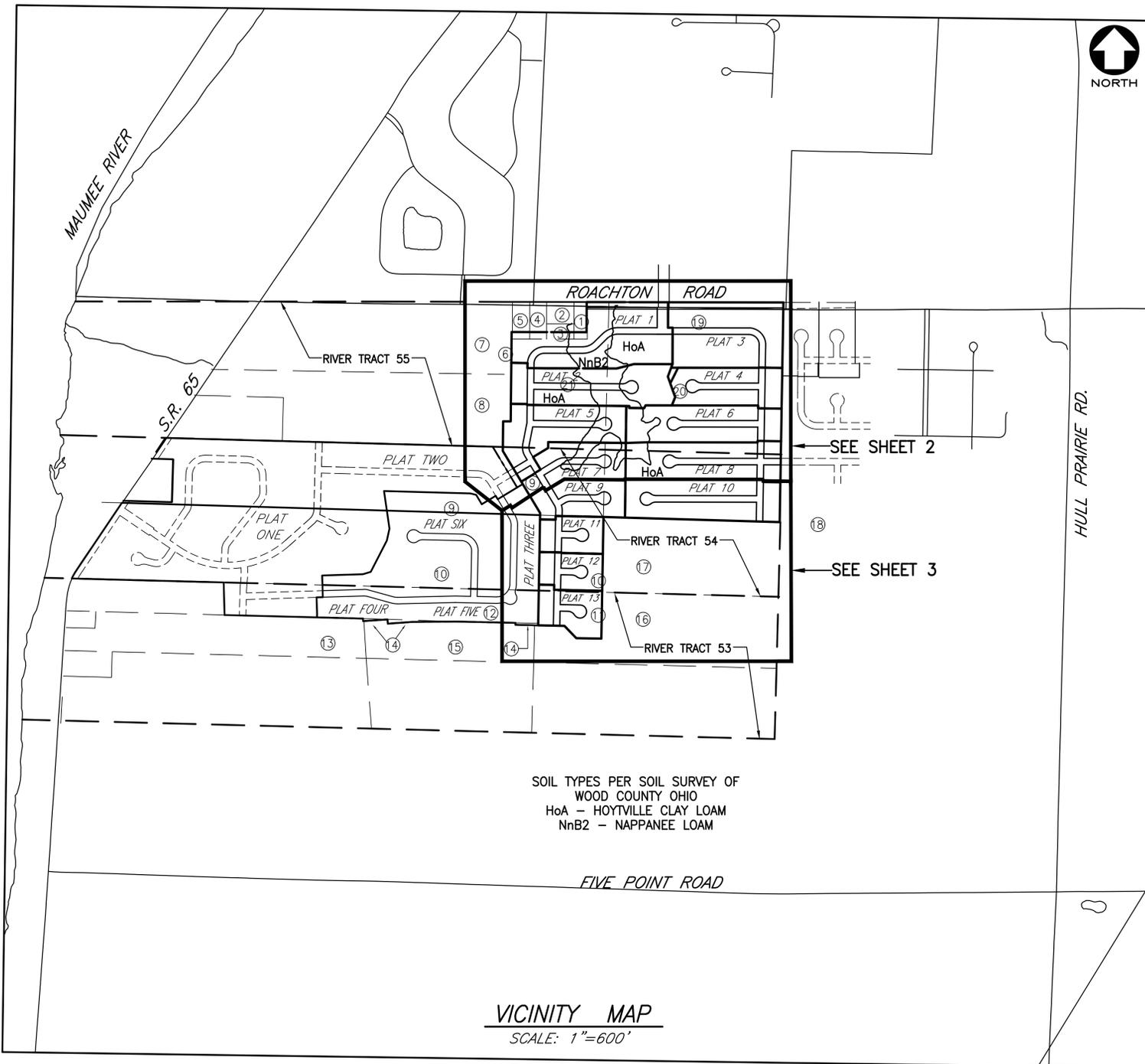
ZONED AGRICULTURAL:  
 FRONT YARD = 75'  
 REAR YARD = 50'  
 SIDE YARD = 15', 40' TOTAL

ZONED R-3:  
 FRONT YARD = 30'  
 REAR YARD = 30'  
 SIDE YARD = 10', 25' TOTAL

SIDEWALKS SHALL BE INSTALLED WITHIN THE PUBLIC RIGHT-OF-WAY ON BOTH SIDES OF THE RIGHT-OF-WAY.

AS PER FEMA COMMUNITY PANEL NUMBER 39173C0015 D EFFECTIVE DATE: SEPTEMBER 2, 2011, PROJECT IS NOT WITHIN THE 100 YEAR FLOOD HAZARD AREA.

**DEVELOPER:**  
 MCCARTHY BUILDERS, INC.  
 3618 KING ROAD  
 TOLEDO, OHIO 43617  
 419-476-1474



SOIL TYPES PER SOIL SURVEY OF WOOD COUNTY OHIO  
 HoA - HOYTVILLE CLAY LOAM  
 NnB2 - NAPPANEE LOAM

VICINITY MAP  
 SCALE: 1"=600'

- ADJACENT OWNERS INFORMATION**
- |   |   |
|---|---|
| <p>① COOPER, THOMAS &amp; RONDA<br/>                 J38-100-5220-00-003-005<br/>                 ZONED A-1 AGRICULTURAL</p> <p>② BONDY, JOHN<br/>                 J38-100-5220-00-004-000<br/>                 ZONED A-1 AGRICULTURAL</p> <p>③ BONDY, JOHN<br/>                 J38-100-5220-00-003-004<br/>                 ZONED A-1 AGRICULTURAL</p> <p>④ HILTON, MATTHEW<br/>                 J38-100-5220-00-003-003<br/>                 ZONED A-1 AGRICULTURAL</p> <p>⑤ KRUSE, JEFFERY &amp; CHERYL<br/>                 J38-100-5220-00-003-002<br/>                 ZONED A-1 AGRICULTURAL</p> <p>⑥ DAVIS, MARTIN &amp; CLAUDETTE<br/>                 J38-100-5220-00-003-001<br/>                 ZONED A-1 AGRICULTURAL</p> <p>⑦ DAVIS, MARTIN &amp; CLAUDETTE<br/>                 J38-100-5220-00-007-003<br/>                 ZONED A-1 AGRICULTURAL</p> <p>⑧ BERNARD, WILLIAM J. JR. &amp; HEENE L.<br/>                 J38-100-5220-00-011-000<br/>                 ZONED A-1 AGRICULTURAL</p> <p>⑨ LOUISVILLE TITLE AGENCY FOR NW OHIO INC. TRUSTEE<br/>                 J38-100-5230-00-004-000<br/>                 ZONED R-3 RESIDENTIAL</p> <p>⑩ LOUISVILLE TITLE AGENCY FOR NW OHIO INC. TRUSTEE<br/>                 J38-100-5230-00-005-002<br/>                 ZONED R-3 RESIDENTIAL</p> <p>⑪ LOUISVILLE TITLE AGENCY FOR NW OHIO INC. TRUSTEE<br/>                 J38-100-5220-00-052-001<br/>                 ZONED R-3 RESIDENTIAL</p> | <p>⑫ LOUISVILLE TITLE AGENCY FOR NW OHIO INC. TRUSTEE<br/>                 J38-100-5220-00-053-000<br/>                 ZONED R-3 RESIDENTIAL</p> <p>⑬ YANIK, ROSEMARY TRUSTEE<br/>                 J38-100-5230-00-009-000<br/>                 ZONED A-1 AGRICULTURAL</p> <p>⑭ LOUISVILLE TITLE AGENCY FOR NW OHIO INC. TRUSTEE<br/>                 J38-100-5220-00-051-001</p> <p>⑮ MOSER, GERALD M &amp; MARCELYN A, TRUSTEES<br/>                 J38-100-5220-00-051-000<br/>                 ZONED A-1 AGRICULTURAL</p> <p>⑯ MOSER, GERALD M &amp; MARCELYN A, TRUSTEES<br/>                 J38-100-5220-00-052-000<br/>                 ZONED R-3 RESIDENTIAL</p> <p>⑰ MOSER, GERALD M &amp; MARCELYN A, TRUSTEES<br/>                 J38-100-5230-00-005-000<br/>                 ZONED R-3 RESIDENTIAL</p> <p>⑱ MIDLAND AGENCY FOR NW OHIO INC. TRUSTEE<br/>                 J37-100-2300-00-005-000<br/>                 ZONED A-1 AGRICULTURAL</p> <p>⑳ LOUISVILLE TITLE AGENCY FOR NW OHIO INC. TRUSTEE<br/>                 J38-100-5220-00-001-000<br/>                 ZONED R-3 RESIDENTIAL</p> <p>㉑ LOUISVILLE TITLE AGENCY FOR NW OHIO INC. TRUSTEE<br/>                 J38-100-5230-00-002-000<br/>                 ZONED R-3 RESIDENTIAL</p> <p>㉒ LOUISVILLE TITLE AGENCY FOR NW OHIO INC. TRUSTEE<br/>                 J38-100-5220-00-003-000<br/>                 ZONED R-3 RESIDENTIAL</p> |
|---|---|

CERTIFICATION OF APPROVAL:

WOOD COUNTY PLANNING COMMISSION  
 W. DAVID STEINER, DIRECTOR

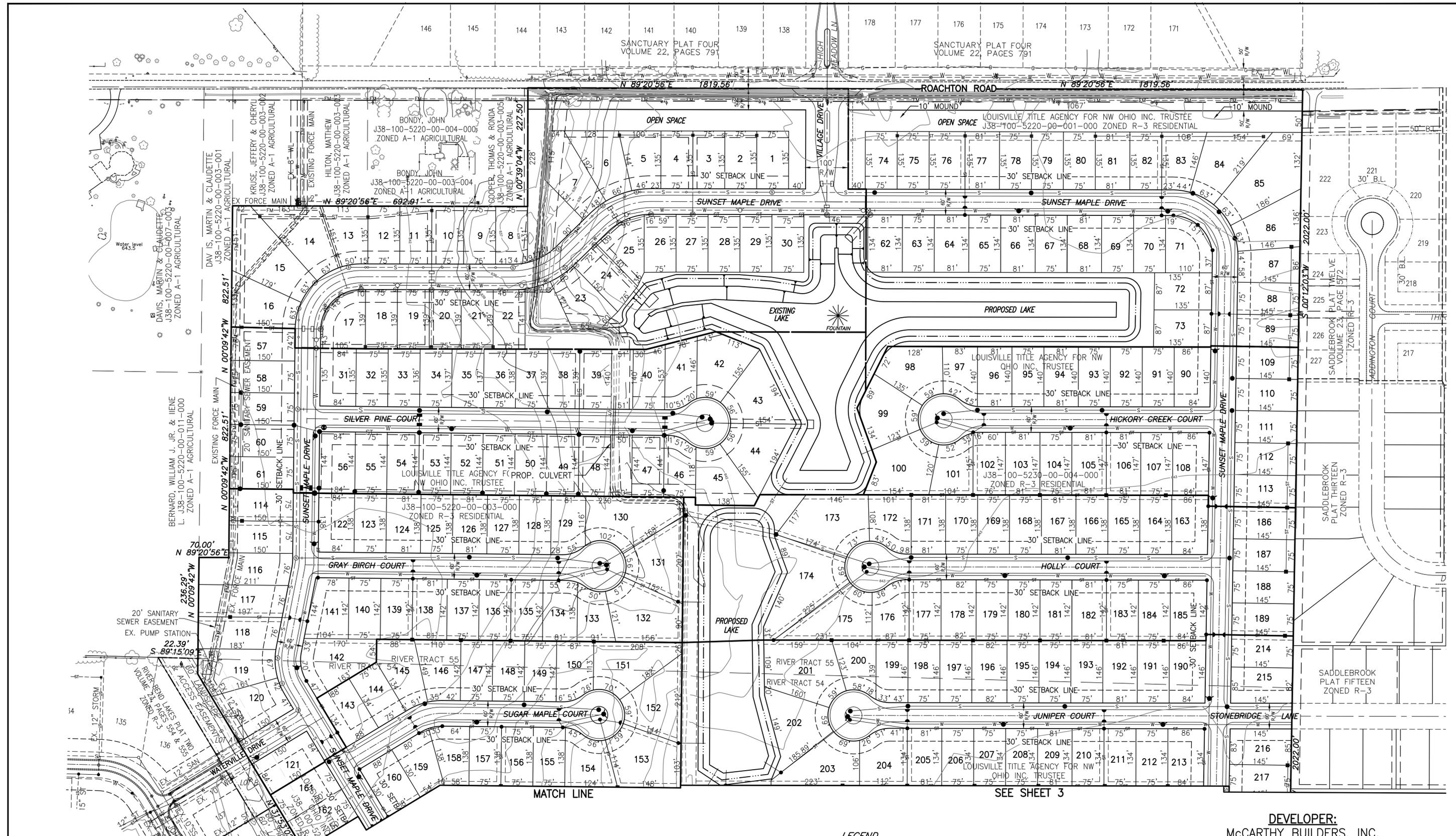
SURVEYOR CERTIFICATION:

D. EDWARD THORNTON  
 PROFESSIONAL SURVEYOR #7827

PREPARED BY:

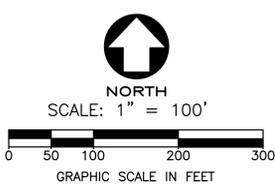
**FellerFinch**  
 & ASSOCIATES, INC.  
 Engineers - Surveyors  
 1683 Woodlands Drive, Maumee, Ohio 43537  
 Phone: (419) 893-3680  
 Fax: (419) 893-2982  
 www.fellerfinch.com

PROJECT No.: 10E07849 DWG: 10-07849PRO09A DATE: 3-13-17



PRELIMINARY PLAT  
**The Village at Riverbend**  
 BEING PART OF RIVER TRACTS 53, 54  
 & 55, TOWN 1, USR, MIDDLETON  
 TOWNSHIP, WOOD COUNTY, OHIO

- LEGEND**
- = Proposed Storm Manhole
  - ▣ = Proposed Curb Inlet
  - ▢ = Proposed Catch Basin
  - ⦿ = Proposed Fire Hydrant
  - = Proposed Sanitary Manhole
  - W — = Existing Water Supply Line
  - S — = Existing Sanitary Sewer
  - ST — = Existing Storm Drainage
  - W — = Proposed Water Supply Line
  - S — = Proposed Sanitary Sewer
  - ST — = Proposed Storm Drainage

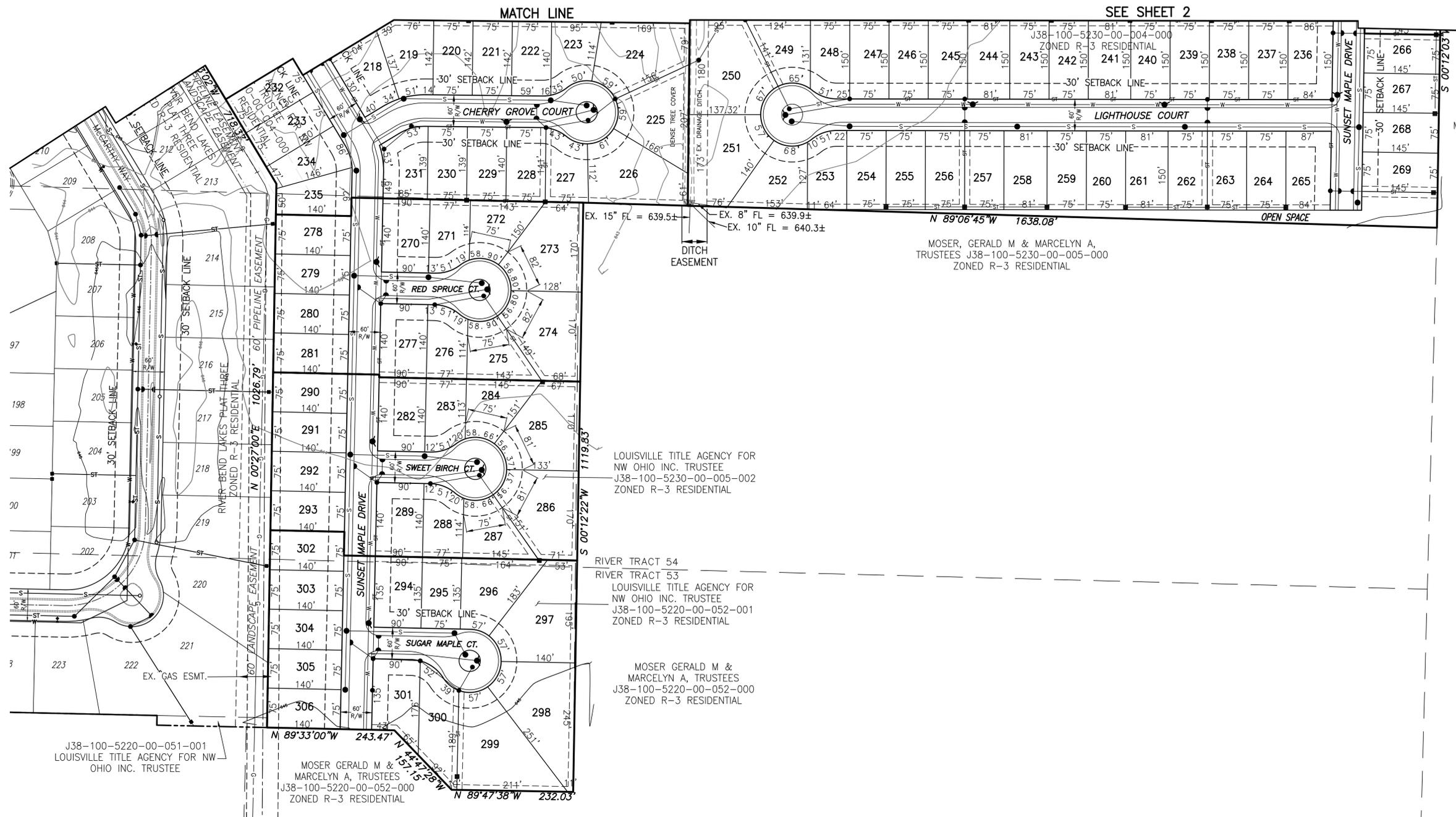


**DEVELOPER:**  
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 419-476-1474

**PREPARED BY:**  
**FellerFinch**  
 & ASSOCIATES, INC.  
 Engineers • Surveyors  
 1683 Woodlands Drive, Maumee, Ohio 43537  
 Phone: (419) 893-3680  
 Fax: (419) 893-2982  
 www.fellerfinch.com

PROJECT No.: 10E07849 DWG: 10-07849PR00A9A DATE: 3-13-17

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MIDLAND AGENCY FOR NW O  
INC. TRUSTEE  
J37-100-2300-00-005-(  
ZONED A-1 AGRICULTURAL

J38-100-5220-00-051-001  
LOUISVILLE TITLE AGENCY FOR NW  
OHIO INC. TRUSTEE

MOSEY GERALD M &  
MARCELYN A, TRUSTEES  
J38-100-5220-00-052-000  
ZONED R-3 RESIDENTIAL

LOUISVILLE TITLE AGENCY FOR  
NW OHIO INC. TRUSTEE  
J38-100-5230-00-005-002  
ZONED R-3 RESIDENTIAL

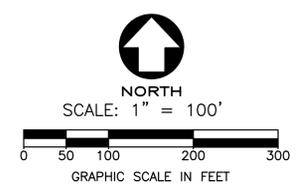
RIVER TRACT 54  
RIVER TRACT 53  
LOUISVILLE TITLE AGENCY FOR  
NW OHIO INC. TRUSTEE  
J38-100-5220-00-052-001  
ZONED R-3 RESIDENTIAL

MOSEY GERALD M &  
MARCELYN A, TRUSTEES  
J38-100-5220-00-052-000  
ZONED R-3 RESIDENTIAL

PRELIMINARY PLAT  
**The Village at Riverbend**  
BEING PART OF RIVER TRACTS 53, 54  
& 55, TOWN 1, USR, MIDDLETON  
TOWNSHIP, WOOD COUNTY, OHIO

LEGEND

- = Proposed Storm Manhole
- = Proposed Curb Inlet
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- S — = Existing Sanitary Sewer
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- S — = Proposed Sanitary Sewer
- ST — = Proposed Storm Drainage



PREPARED BY:

**FellerFinch**  
& ASSOCIATES, INC.  
Engineers • Surveyors

DEVELOPER:  
McCarthy Builders, Inc.  
3618 KING ROAD  
TOLEDO, OHIO 43617  
419-476-1474

1683 Woodlands Drive, Maumee, Ohio 43537  
Phone: (419) 893-3680  
Fax: (419) 893-2982  
www.fellerfinch.com

PROJECT No.: 10E07849 DWG: 10-07849PR00A9A DATE: 3-13-17

## **ITEM # 1 – ZONING– PLAIN TOWNSHIP**

### **APPLICANTS**

Jody and James Williams  
14962 Sand Ridge Road  
Bowling Green, OH 43402

### **PROPOSAL**

A Jody and James Williams have submitted an application to rezone several parcels of land totaling approximately 3.560 acres from a Residential zoning classification to a Commercial zoning classification. Some of the subject parcels are currently occupied by a well drilling business, and the applicants have indicated that they wish to establish a cold storage facility on the other parcels. Both parcels are located in Section 35 of Plain Township.

### **ATTACHMENTS**

1-A Location map  
1-B Zoning map

### **STAFF ANALYSIS**

The subject parcels are located in Section 35 of Plain Township. Specifically they are located on the west side of Mitchell Road and approximately 650' ft. north of Sand Ridge Road. The Ohio Department of Transportation (ODOT) has a repair garage located to the north of the parcel. There is also an asphalt and paving contractor and a well drilling operation in the immediate vicinity of the parcels.

The subject parcels are all currently zoned R-2 Residential. Lands to the east are zoned Commercial and R-2 Residential. Lands to the north (ODOT Property) are located in the City of Bowling Green. Lands to the south, on the opposite side of Sand Ridge Road are zoned Agricultural. Lands to the west are designated public road right of way.

There is no public water and sanitary sewer available to the parcels. The closest available utilities would be one half mile to the east in the Deer Hollow subdivision. Utilization of these would require their extension, and most likely, annexation to the City of Bowling Green. There are no floodplains or wetlands on the parcels. The Wood County Land Use Plan has designated the area where the parcels are located as being in a Growth Management Area which is defined in the Land Use Plan as: "areas of the county have the most intersecting factors which contribute to growth. They are located in close proximity to existing development, and have dense transportation networks, access to sewer and water services, and are in areas already exhibiting growth pressures. These are the parts of the county that are likely to experience the greatest transition in character from rural/agricultural to more suburban in character".

It needs to be noted that the uses on the parcels exist as legal non-conforming uses. A legal non-conforming use is a use that was established and existed prior to zoning being enacted in the township, which is the reason commercial land uses are occurring on parcels zoned R-2 Residential. If a use is expanded more than 25% percent of its original footprint, or a new use is constructed (such as the applicants proposed cold storage facility) the underlying zoning must be changed to match the appropriate end use.

The main concern from the Planning Commission staff involves some existing residences and vacant lots located near the proposed rezoning area. Currently there are approximately eight parcels of land, some of which contain residences that have sole access via the one of the strips of land that the applicants are requesting to rezone. Currently, as noted, everything exists as a legal non-conforming use, and more than likely the parcels in question were in existence long before zoning. However, since this is a rezoning action, there is a chance to address the issue of access to these parcels. In conversations with the applicant, there is no easement in place for the owners of these parcels to access their parcels. This is an extremely important matter. Since the parcels were created prior to zoning and therefore likely did not require fee simple ownership to a dedicated road, the current layout was acceptable. If the parcel configuration were proposed today, it would not be able to exist in its current formation.

The applicants need to provide the Commission with solid, adequate information as to how access to these parcels will be provided.

In regards to the spot situation, there is no doubt that a spot zone situation exists on the subject parcels as well as the surrounding parcels. What needs to be kept in mind is that these parcels contained commercial uses long before zoning was enacted in the township. This request is not so much requesting that bare land be rezoned to commercial, but rather that existing land uses be rezoned properly.

#### **STAFF RECOMMENDATION**

The Wood County Planning Commission Staff is extremely concerned with the access to the existing parcels of land that are not owned by the applicant. There is no question that this needs addressed and explained to the Commission.

The access issue aside, the Planning Commission Staff is comfortable recommending to Plain Township that the Township approve the request. The reasoning behind this recommendation is that the parcels are already being used for commercial purposes, and therefore, it isn't a matter of rezoning empty parcels to a commercial zoning classification but assigning the proper zoning to an existing land use.

In conclusion, if the applicant can provide satisfactory evidence to the Planning Commission that the access situation will be properly addressed, than the Staff feels that the request should be approved.

**ATTACHMENT 1-A**

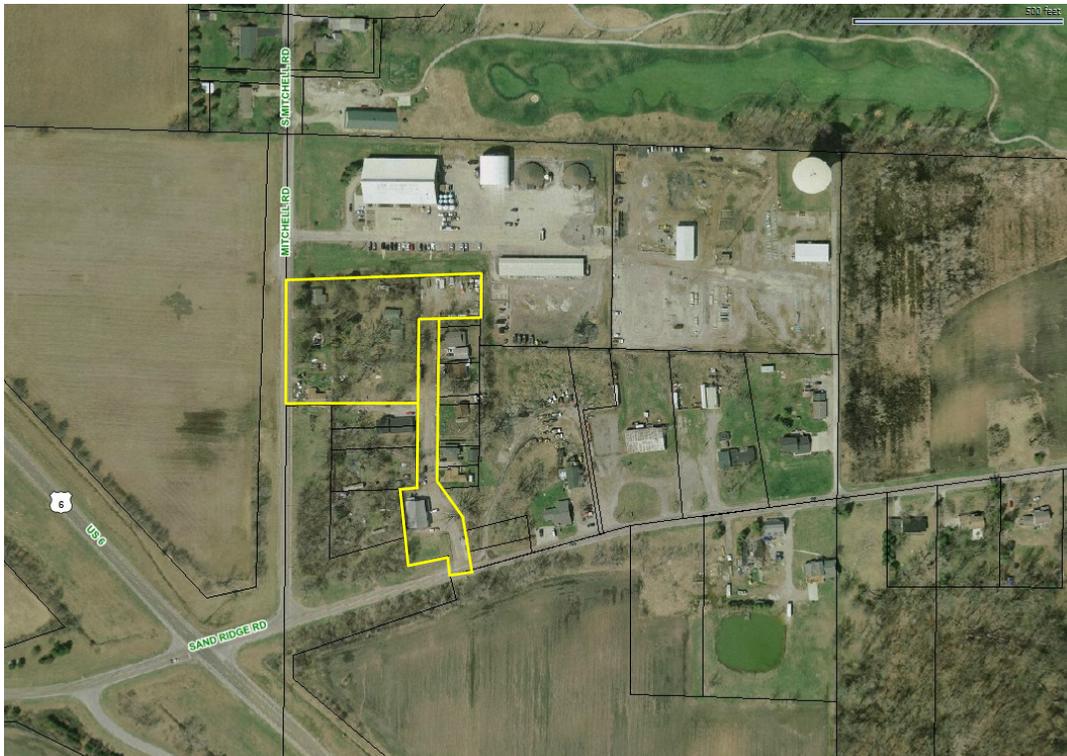
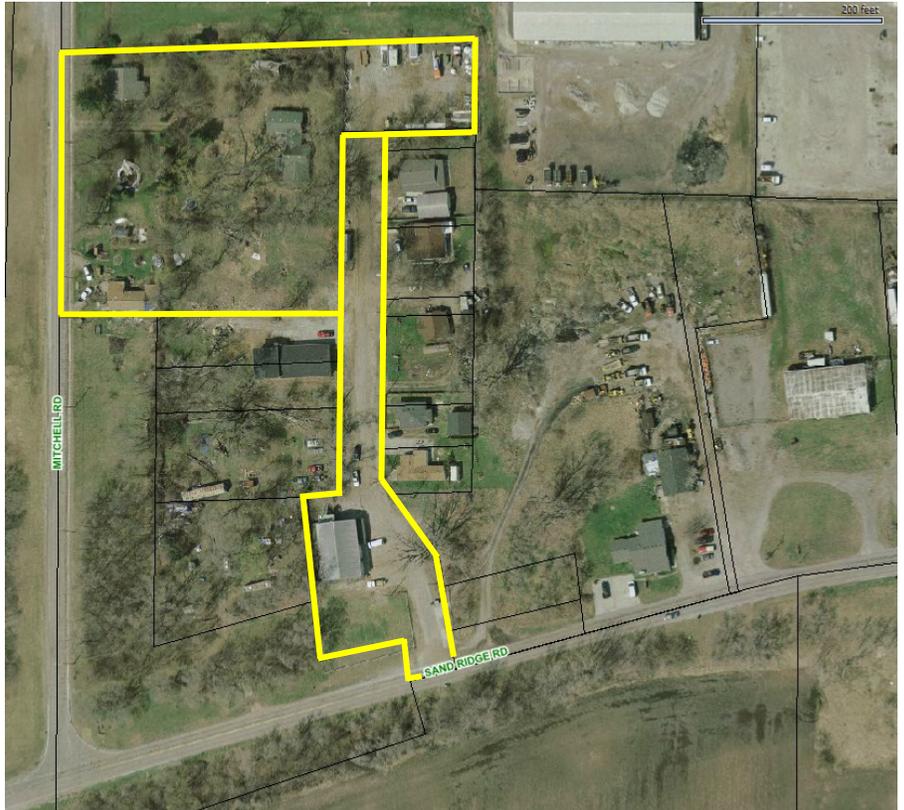
**Parcel Information**

Owners: Jody and James Williams

Parcel #: R63-510-350101013500 and

R63-510-350101021500

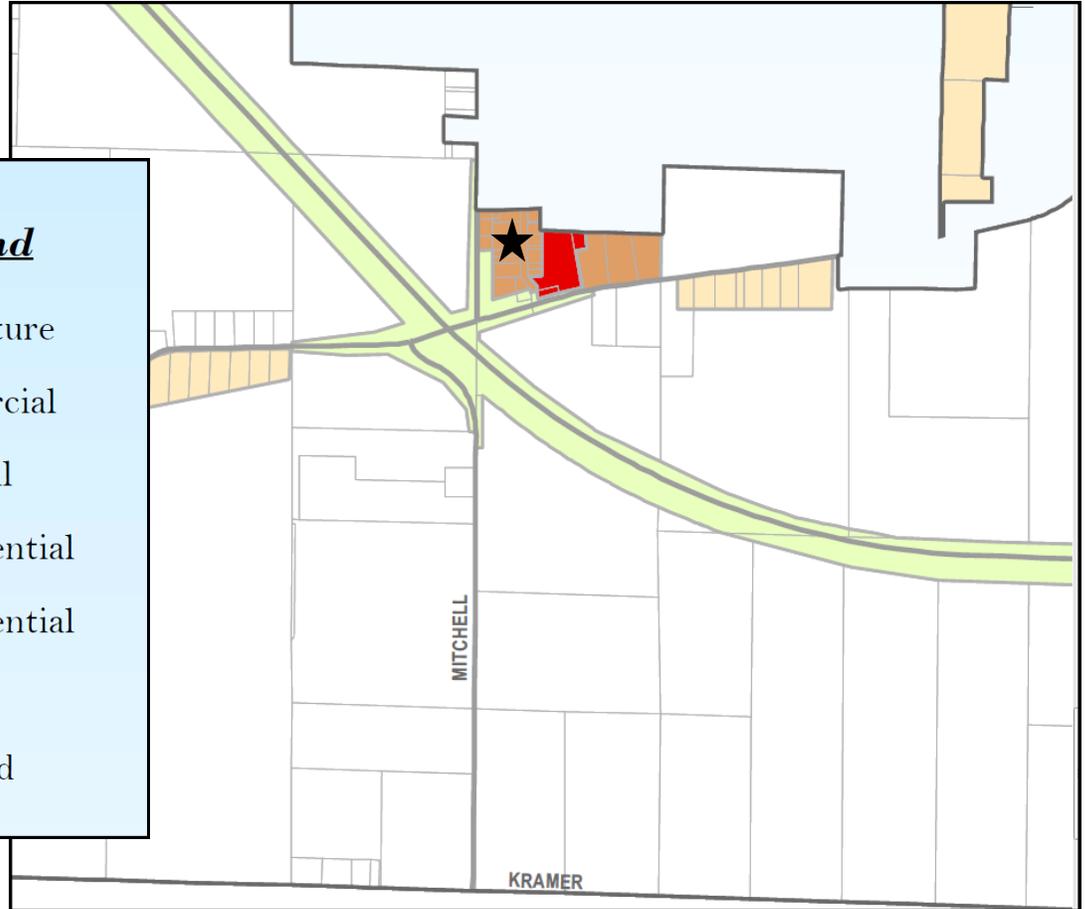
Request: Rezone from R-2 to C



ATTACHMENT 1-B

***Zoning Legend***

-  A: Agriculture
-  C: Commercial
-  I: Industrial
-  R-1: Residential
-  R-2: Residential
-  S: Special
-  U: Unzoned



**LEGEND**

-  Townships
-  Municipalities - City
-  Municipalities - Village
-  Growth Management Areas
-  Rural Management Areas
-  Enhancement Areas
-  Targeted Economic Development Areas
-  Reinvestment Areas
-  Natural Resources/Water Quality Management Areas
-  Parks/Open Space
-  Maumee River Recreation Area
-  Water

## **ITEM # 2 – ZONING– LAKE TOWNSHIP**

### **APPLICANTS**

Patrick J. and Susan K. Gallagher  
25600 Pemberville Rd.  
Perrysburg, OH 43551

### **PROPOSAL**

The applicants seek to rezone an 11.154 acre portion of a 50.5 acre parcel of land from an A-1 Agricultural zoning classification to a B-2 General Business zoning classification. The applicants stated they intend to develop a storage lot on the parcel for impoundments.

### **LOCATION**

The parcel is located on the east side of Pemberville Road, between Hanley Road and Genoa Road/State Route 163, in section 35 of Lake Township. The parcel is directly north of the turnpike.

### **LAND USE AND ZONING**

All of the surrounding parcels are zoned A-1 Agricultural. Other zoning classifications are found along Pemberville Road including B-1 Neighborhood Business, R-3 Multiple Dwelling/Mobile Home District, and R-1 Suburban Residence. In the section to the west of the parcel's section, numerous parcels along I-280/420 are zoned B-3 Highway Business. According to the Land Use Plan, the parcel is located in a Growth Management area. The parcel is just outside of a zone categorized as a Reinvestment Area. Floodplain is not present on the parcel. According to the U.S. Fish and Wildlife Service, a 7.75 acre area within the parcel contains wetland habitat. This land is outside of the area proposed for rezoning. There is already commercial activity occurring on the parcel. Pat & Son Towing & Recovery, LLC is located on the west side of the property. The business is a nonconforming use.

### **ATTACHMENTS**

- 2-A: Location Map
- 2-B: Zoning Map

### **STAFF ANALYSIS**

There are many factors to consider when determining if this proposed rezoning request should be recommended for approval or denial. The subject land area does not meet the 20 acre threshold to immediately reject a spot zoning argument. All of the surrounding parcels are zoned Agricultural. Additionally, B-2 zoning is not found anywhere near the subject area.

However, the business on the property has existed for many years. The township did not previously take action to regulate the nonconforming use. The state previously leased the land for a storage and staging area while completing work on the turnpike. Allowing this use to exist means there is already spot zoning. Rezoning the land would bring it into compliance. Since the applicants also own the neighboring properties, they already meet the buffer yard requirements for separating different land uses.

According to the Land Use Plan, the land is located in a Growth Management area, which means it is in an area that is "likely to experience the greatest transition in character from rural/agricultural to more suburban in character." For its current and proposed use, the land is appropriately situated near a major road. An interstate is also near the property.

### **STAFF RECOMMENDATION**

Making a decision on this particular request is difficult. Approving the application could be considered spot zoning, but there really already is spot zoning. The property does not currently have public utilities. The utilities could be extended to the property, but it would cost hundreds of thousands of dollars to do so. There is also the added challenge of only rezoning a portion of a parcel.

After reviewing the request and thoroughly reviewing the potential scenarios that may arise from any decision, the Planning Commission Staff's recommendation is as follows:

1. The Township could deny the request.
2. The Township could approve the request to rezone the 11.154 acre portion of the parcel to B-2 General Business. It needs to be kept in mind though that while the applicants have indicated that they wish to develop a storage lot, any end use permitted in a B-2 district would be permitted should the land be rezoned. Rezoning only a portion of the parcel could also lead to complications. However, the applicants did include a legal description and survey of the land.
3. The Township could approve the request to rezone the property to B-2 General Business, but modify the approval to include all 50.5 acres of the parcel. This would, however, lead to a much larger commercial property. On the other hand, the increased acreage would surpass the standard for acreage quantities that are not considered spot zoning.

As with any rezoning request, the Planning Commission is only making a recommendation. The final approval rests with Lake Township.

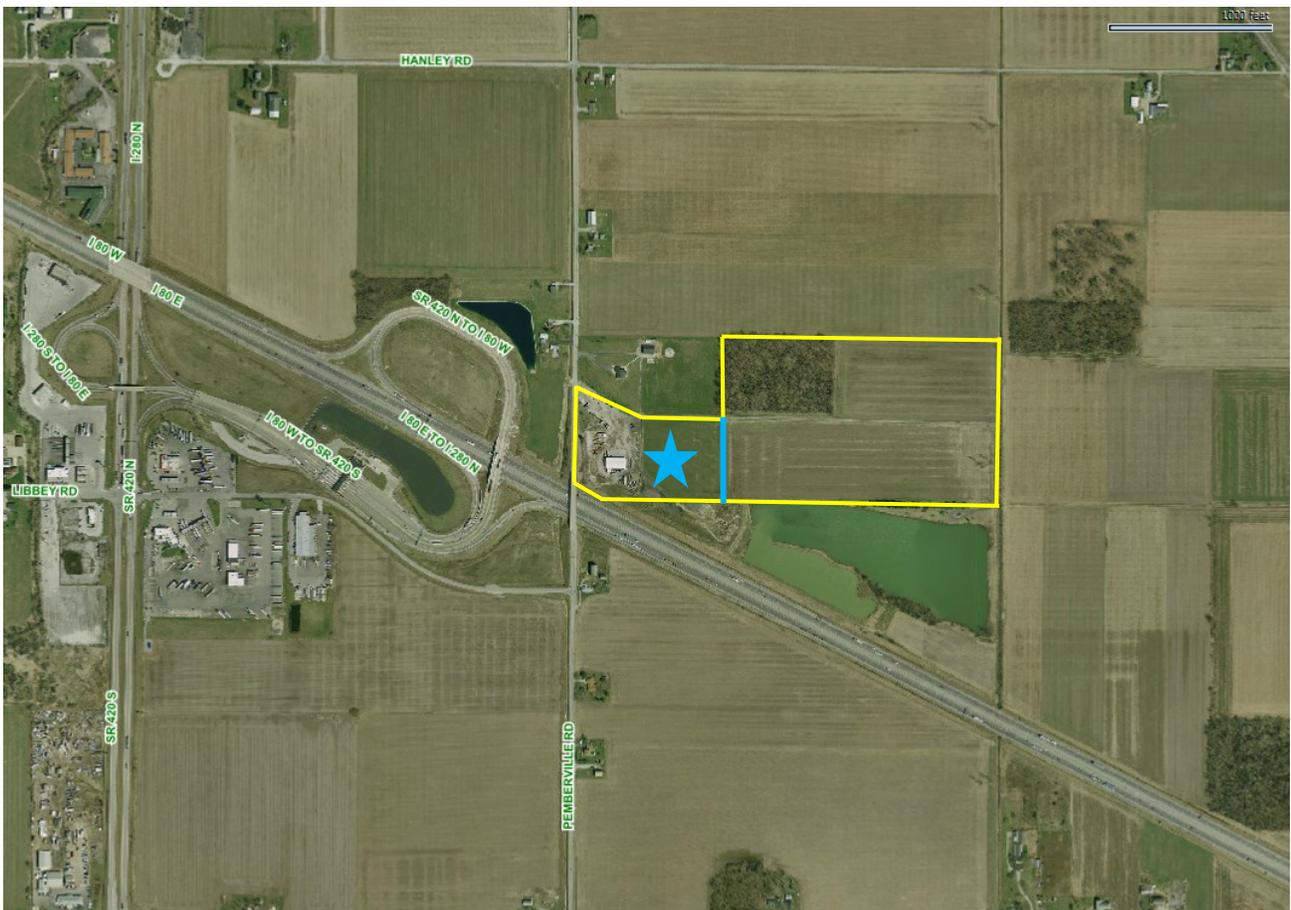
# ATTACHMENT 2-A

## Parcel Information

Owners: Patrick J. and Susan K. Gallagher

Parcel #: H28-712-350000007000

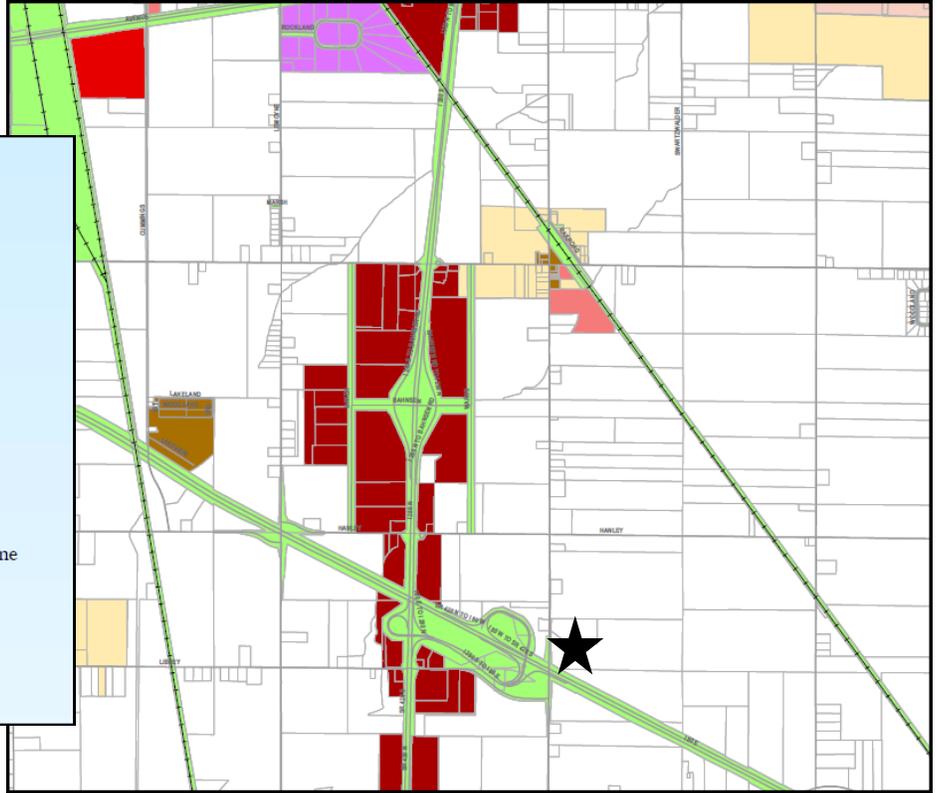
Request: Rezone from A-1 to B-2



ATTACHMENT 2-B

**Zoning Legend**

- A-1: Agricultural
- B-1: Neighborhood Business
- B-2: General Business
- B-3: Highway Business
- M-1: Light Industrial
- M-2: Heavy Industrial
- R-1: Suburban Residential
- R-2: Residence
- R-3: Multiple Dwelling; Mobile Home
- S-1: Special
- U: Unzoned
- UN: Unknown



**LEGEND**

- Townships
- Municipalities - City
- Municipalities - Village
- Growth Management Areas
- Rural Management Areas
- Enhancement Areas
- Targeted Economic Development Areas
- Reinvestment Areas
- Natural Resources/Water Quality Management Areas
- Parks/Open Space
- Maumee River Recreation Area
- Water



# WOOD COUNTY PLANNING COMMISSION

## Staff Activities Report

March 2019

### PLANNING AND ZONING

- Discussed possible zoning text updates with Plain and Grand Rapids Townships.
- Assisted the Wood County Prosecutor's Office with zoning matters in Lake and Troy Townships.
- Provided information to Middleton Township regarding a potential development in the Township.
- Reviewed zoning items for the April meeting.

### COMMUNITY DEVELOPMENT

- Continued with the CHIP grant. Several clients have been approved for emergency home repair and home rehab.
- Finalized a contract with Wood County Habitat for Humanity to provide \$40,000 dollars of CHIP Funds to assist habitat for two new builds.
- Continued to work on the NRG and Community Development Grants.
- Met with representatives from the Village of Pemberville regarding potential grant funding for a possible demolition in the Village.

### ECONOMIC DEVELOPMENT

- Conducted the annual Tax Incentive Review Council (TIRC) meeting. TIRC Committee reviews all outstanding tax abatements in Wood County for compliance.

### ADMINISTRATIVE

- Provided information and guidance for the updated Wood County Guide to Rural Residential Construction.
- Adopted an official mortgage release document for all CHIP mortgages.
- Issued four rural addresses, as of March 21<sup>st</sup>.

March Parcel Splits and Combinations						
	2015	2016	2017	2018	2019*	Average
Splits	6	14	12	12	7	10.2
Combinations	0	9	4	2	0	3

\*As of March 21<sup>st</sup>