

Meeting Minutes
Wood County Planning Commission
June 4, 2019
5:30 pm

The Wood County Planning Commission met in regular session on Tuesday, June 4, 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 Ted Bowlus, Doris Herringshaw, Craig LaHote, John Musteric, Barbara Ruland, John Schuerman, and Erik Wineland. 21 guests were in attendance.

Chairman John Musteric called the meeting to order.

Old Business

New Business

Ms. Ruland made a motion to approve the May 2019 Planning Commission meeting minutes. Mr. Bowlus seconded the motion.

Mr. Musteric called for a vote.

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

SUBDIVISION – MIDDLETON TOWNSHIP

Feller Finch & Associates had submitted a final plat entitled “The Village at Riverbend Plat Five” for final review and approval.

Mr. Steiner provided an overview of the request. Mr. Steiner stated the plat was the fifth phase of the overall Village at Riverbend subdivision. Mr. Steiner stated the subject area and the surrounding area were zoned R-3 Residential.

Mr. Steiner stated the Commission members had expressed concerns about the connection from Sunset Maple Drive to Waterville Drive for the subdivision. Mr. Steiner stated that Plat Five established that connection.

Mr. Steiner stated the Wood County Engineer, John Musteric, had identified some corrections that needed to be made to the plat. Mr. Steiner stated he recommended granting approval on the condition that the applicant would make the corrections.

Mr. Musteric asked the applicant, Don Feller, if he had any comments. Mr. Feller stated he agreed with the recommendations and would make the changes before signing off on the plat. Mr. Feller stated that the connection to Waterville Drive was under construction.

Mr. LaHote made a motion to grant final plat approval on the condition that the applicant would make the recommended changes. Ms. Herringshaw seconded the motion.

Mr. Musteric called for a vote.

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

ZONING – TROY TOWNSHIP

A George Katakis had submitted a request to rezone approximately 99.73 acres of land in Troy Township from an A-1 Agricultural zoning classification to an R-3 Residential zoning classification. The applicant had indicated that he would like to develop a residential subdivision on the parcels.

Mr. Steiner provided an overview of the application. Mr. Steiner stated the main issue with the request was that two of the three subject parcels contained 100-year floodplain. Mr. Steiner stated that the Wood County Subdivision Rules and Regulations did not permit land in the 100-year floodplain to be developed into lots. Mr. Steiner added that if the request was approved, developing a subdivision on the land would require a great deal of coordination with his office. Mr. Steiner also brought up possible access issues with the parcels, in regard to their proximity to State Route 420.

Mr. Musteric asked if the applicant was in attendance. Mr. Katakis introduced himself. Mr. Musteric asked if he had any comments to make. Mr. Feller, as the proposed plat engineer, spoke on behalf of the applicant. Mr. Feller stated, based on Mr. Steiner's remarks, there seemed to be confusion between zoning and planning. Mr. Feller stated he believed the Planning Commission should focus on the proposed zoning. Mr. Feller stated he believed the zoning was appropriate for the property. Mr. Feller stated the floodplain issues should not be addressed until the subdivision planning begins.

Mr. Feller stated he also disagreed with the notion that there would be access issues. Mr. Feller stated that they would have access at Truman Road and Lemoyne Road.

Mr. Wineland asked how the northwest parcel could be accessed without going through the floodplain. Mr. Feller stated there would be access to the parcel from Lemoyne Road. Mr. Wineland pointed out that the southern portion of the parcels could be accessed from Truman Road.

Mr. Musteric asked for confirmation that there was R-4 zoning to the south of the subject area. Mr. Steiner answered yes and stated it was a mobile home park.

Mr. Musteric asked if there was any R-3 zoning near the subject area. Mr. Steiner answered no, not in the immediate area.

Mr. Musteric stated he agreed with Mr. Feller that they could potentially work around the prospective floodplain issues.

Mr. Wineland asked Mr. Steiner which agency would be responsible for regulating the floodplain development, if the request was approved and a final determination about the floodplain was made. Mr. Steiner answered that his office would be responsible for regulating the floodplain development. Mr. Steiner stated that he would also consult with the Wood County Engineer's office. Mr. Steiner pointed out that there were floodplain regulations which were separate from the subdivision regulations.

Mr. Wineland stated there was a development in Lake Township that was built by a creek and had consistently flooded. Mr. Wineland stated the residents had suffered as a result, so he wanted to make sure those issues were avoided.

Ms. Ruland stated she wanted someone to clarify whether or not there would be a chance to further review the issues related to the floodplain before the start of the development. Mr. Musteric stated there would be an opportunity to review those issues and briefly explained the process.

Ms. Herringshaw made a motion to recommend that Troy Township approve the rezoning request. Ms. Ruland seconded the motion.

Mr. Musteric called for a vote.

Mr. Allion - Absent, Mr. Arnold - Absent, Mr. Bowlus - Yes, Mr. Brossia - Absent, Ms. Herringshaw - Yes, Mr. LaHote - Yes, Mr. Musteric - Yes, Ms. Ruland - Yes, Mr. Schaller - Absent, Mr. Schuerman - No, Mr. Wineland - Yes.

ZONING – PERRYSBURG TOWNSHIP

A Paul Swartz and Craig Biniker had submitted a request to rezone three parcels of land totaling approximately 80.64 acres in Perrysburg Township from an A-1 Agricultural District zoning classification to an I-2 General Industrial District zoning classification. An end use had not been proposed. However, the applicants had stated that they felt, given the zoning classifications and land uses in the vicinity of the parcels, an I-2 zoning classification would be the optimal zoning classification for the land.

Mr. Steiner provided an overview of the application. Mr. Steiner stated, per the Wood County Land Use Plan, the subject parcels were in a Targeted Economic Development area. Mr. Steiner stated he recommended the approval of the request. Mr. Steiner stated the proposed zoning and surrounding zoning were compatible. Mr. Steiner stated the applicants' request was congruent with the goals in the Land Use Plan.

Mr. Musteric asked if a representative for the request was in attendance. Diane Huffman introduced herself as a representative for the applicants. She also introduced Paul Swartz and Craig Biniker. Ms. Huffman stated the subject parcels were bordered to the south by the Walgreens Distribution Center. Ms. Huffman stated they did not have an end user. Ms. Huffman stated the reason they wanted to rezone the property was to prepare for any economic development opportunities that might arise. Ms. Huffman added that they wanted the subject parcels' zoning to match the surrounding zoning.

Mr. Musteric asked if Dry Creek was located on the property and if it was in the floodplain. Mr. Steiner stated there was 500-year floodplain on the property. Mr. Steiner explained that 500-year floodplain was not regulated by FEMA or his office.

Mr. LaHote made a motion to recommend that Perrysburg Township approve the rezoning request. Mr. Schuerman seconded the motion.

Mr. Musteric called for a vote.

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

ZONING – LIBERTY TOWNSHIP

A James Chambers had submitted a request to amend the text of the Liberty Township zoning resolution to allow for the placement, storage, and use of cargo/shipping containers and the placement, parking, storage, and use of semi-trailers on any property in Liberty Township that had an Industrial zoning classification.

Mr. Steiner provided an overview of the application. Mr. Steiner stated the request was to allow non-traditional accessory buildings to be a permitted use on Industrial zoned properties. Mr. Steiner stated non-traditional accessory buildings were not permitted in the township.

Mr. Wineland asked if the applicant was in attendance. Mr. Chambers introduced himself. Mr. Chambers stated he owned an Industrial zoned property, but no longer performed operations on it. Mr. Chambers stated he had a lease-purchase agreement with Scott Apple. Mr. Apple was using the property for business operations, which involved shipping containers. Mr. Chambers stated the proposed request would only involve two properties in the township.

Mr. Wineland asked if there were Liberty Township representatives in attendance. An individual identified himself as a representative of Liberty Township. Mr. Wineland asked him why it would be acceptable to allow non-traditional accessory buildings on Industrial zoned properties and not on Commercial or Agricultural zoned properties. The representative answered because the primary property was on State Route 25 and in an ideal place.

Scott Apple stated he was buying and selling shipping containers on a regular basis. Mr. Apple stated he was buying them in bulk and selling one or two at a time. Mr. Apple stated that was why he needed somewhere to store them. Mr. Apple stated he was renting out some of them on site. Mr. Apple stated renting them out helped him cover part of his costs. Mr. Apple stated he had been doing that work for the past three years. Mr. Apple stated he had met with the township trustees when he first started working with the shipping containers. Mr. Apple stated the containers were not permanent structures. Mr. Apple stated they were rented out on the way to be sold.

Mr. Wineland stated the same could be said for putting a shipping container on a property for five years. Mr. Wineland stated the containers could, technically, always be taken off of the property and used again.

Ms. Ruland asked Mr. Apple if his business was buying and selling shipping containers. Mr. Apple answered yes and added that he had been buying about 100 containers each year.

Ms. Ruland asked the township representative if he suggested the proposed amendment. The township representative stated that he and other representatives had looked at their zoning and thought the proposed amendment was the most appropriate way to change it, if it was going to be changed. The representative stated there was only one other property in the township that was, at that time, zoned Industrial. He added that it would probably not be feasible for shipping containers to be added to that property.

Mr. LaHote stated there was only one other property zoned Industrial, other than Mr. Apple's, but that could change in the future. Mr. LaHote asked the township representative if it would be sensible to make the shipping container business a conditional use on Industrial zoned properties. Mr. LaHote stated making it a conditional use would allow the township to have control over the matter on a case-by-case basis. The township representative stated he and the other township representatives were looking for guidance.

Joyce Nowak, a Wood County assistant prosecuting attorney, stated the reported use in the text amendment application was inconsistent with the actual use. Ms. Nowak stated Mr. Apple was using the shipping containers as storage facilities and leasing them out to people. Ms. Nowak stated she had spoken with Mike Rudey, the chief building official for Wood County, about these containers. Ms. Nowak stated the shipping containers were being used as buildings but would not pass a building inspection.

Ms. Nowak stated that in the application the applicant stated the containers were maintained in a condition for their original purpose, but that was not the case. Ms. Nowak stated Mr. Apple stated he had been doing this for years. Ms. Nowak stated but also for years the containers were not being moved. They were staying on the property.

Ms. Nowak stated the Planning Commission also needed to consider the information from the Ohio Board of Building Standards Industrialized Unit group. Ms. Nowak stated her office reached out to the group to make sure her office understood the potential long-term consequences of the application. Ms. Nowak stated the group shared its concerns about the use of shipping containers as buildings in the draft document the group provided her office and during their communications. According to the board, approving the use of the shipping containers as buildings would require a number of tests. Additionally, any modifications would compromise the integrity of the container. Ms. Nowak stated she had photographs showing how the shipping containers were situated. Ms. Nowak stated the containers were really close to the road and the perimeters of the property. Ms. Nowak stated one of the representatives for the application stated it was a safe use, but based on the document, she did not know how safe it would be.

Mr. Wineland stated he would not have an issue with someone selling the containers, if they would only stay on the property for a short period of time. Mr. Wineland stated he understood the county prosecutor's office's concerns about the containers being used for storage purposes.

Ms. Nowak stated the representation to the building inspector was that the containers were being leased for use on site and for use on the renter's property.

Mr. Apple stated he disagreed with Ms. Nowak's assertion that he withheld information about renting out the shipping containers. Ms. Nowak stated that that information was inconsistent with what he asked the township to allow in the application. The application did not request the ability to rent out the containers as storage facilities.

Mr. Chambers stated an organization called the PUCO would regulate the containers. Ms. Nowak stated she had contacted the PUCO and was told they only regulated the containers when they were on the roadway, not when they were on private property.

Mr. Wineland made a motion to recommend that Liberty Township deny the text amendment request. Ms. Ruland seconded the motion.

Shareen Avery, the Liberty Township Zoning Commission chair, stated she had two concerns. Ms. Avery stated she heard that changes would be made to State Route 25 and asked how it would impact the proposed zoning change. Ms. Avery also stated many Liberty Township residents had asked her why the township had never handled the shipping containers before, since they had existed on the property for years.

Mr. Musteric asked Ms. Avery which intersection she was referring to. Ms. Avery answered the intersection of State Route 281 and State Route 25. Mr. Musteric stated that that area of State Route 25 would be impacted. Mr. Musteric stated it would be going from four lanes to three lanes. Ms. Avery asked him if he knew whether it was certain. Mr. Musteric stated he believed the plans were certain.

Mr. LaHote asked Mr. Apple if he modified the shipping containers in any way. Mr. Apple answered no.

Steve Powell, the Liberty Township zoning inspector, stated he had made the recommendation to Mr. Apple to make the application for the text amendment. Mr. Powell believed doing so would help resolve the matter and get it in the public eye. Mr. Powell stated that it was important for the Commission members to provide the reasoning behind their decisions.

Mr. Wineland stated he had made the motion to deny the request because he did not think it was fair that the change would only apply to Industrial zoned properties. Mr. Wineland also brought up a number of safety issues.

Mr. Powell asked Mr. Wineland if his motion would have been different if the application did not involve renting out the containers, only buying and selling them. Mr. Wineland stated that would have changed his decision, as long as the containers were turned over in a regular and

reasonable manner. Mr. Wineland stated he believed a maximum time period of 30 days would be acceptable.

Mr. Musteric stated he did not believe it would be an issue for Mr. Apple to buy and sell the containers. Mr. Musteric stated he saw a problem with renting them out for storage.

Mr. Musteric called for a vote.

Mr. Allion - Absent, Mr. Arnold - Absent, Mr. Bowlus - Yes, Mr. Brossia - Absent, Ms. Herringshaw - No, Mr. LaHote - No, Mr. Musteric - Yes, Ms. Ruland - Yes, Mr. Schaller – Absent, Mr. Schuerman - No, Mr. Wineland - Yes.

SUBDIVISION – MONTGOMERY TOWNSHIP

A Thomas and Cheryl Ward had submitted a request for a variance from the side setback requirement set forth in the Wood County Subdivision Rules and Regulations.

Ms. Heiks provided an overview of the request. Ms. Heiks stated the applicants' parcels were located in an unzoned township, Montgomery Township. Ms. Heiks stated all unzoned townships were required to adhere to the minimum lot area, width, and setback requirements of the Wood County Subdivision Rules and Regulations. Ms. Heiks stated the applicants planned to combine two of their parcels. Ms. Heiks stated after combining two of their parcels, they wanted to split off a piece of the newly combined parcel and combine it with their third parcel. Ms. Heiks stated a variance from the side setback requirement of 20 feet was needed to allow the split to occur.

Ms. Heiks stated there were three major factors that justified a variance from the Wood County Subdivision Rules and Regulations: an applicant would have no reasonable use of the property without relief; the hardship resulted from unique characteristics of the property, specifically topographic or other physical conditions, that were not sufficiently recognized when the parcel was created; and the applicant did not create the hardship. Ms. Heiks stated, based on those factors, it appeared the request was not justified. Ms. Heiks also pointed out that the side setback requirement was only five feet until 2014. At the time the applicants purchased the property, the side setback requirement was only five feet.

Mr. Wineland asked if the applicant was present. Thomas Ward identified himself. Mr. Ward provided a brief history of the three parcels. Mr. Ward stated that two homes and each of their respective accessory buildings were spread across the three parcels. Mr. Ward stated his daughter and son-in-law lived in one of the homes and he and his wife lived in the other. He wanted to separate the two homes and their accessory buildings, so that they were located on separate parcels.

Mr. Wineland asked the applicant if separating the homes and accessory buildings would increase the value of the parcels. Mr. Ward answered yes.

Mr. Musteric asked for the distance between the pool deck on one of the parcels and an accessory building that was proposed to be on a separate parcel. Mr. Ward stated he was not

sure and guessed it was about 30 feet. Ms. Heiks stated the issue was there was not a site plan, so there were not any measurements.

Mr. Musteric stated he had a meeting with the Planning Commission staff and determined future variance applicants would need to provide a site plan, created by a surveyor.

Mr. Wineland stated the parcels would need to be separated, at some point.

Multiple members asked for measurements and exact details about the plan. Ms. Heiks reiterated that those questions could not be answered because there was not a site plan. Mr. Musteric stated the Commission members were making decisions without knowing all of the facts.

Mr. Ward asked if he could split the parcel if the pool was 20 feet away from the side lot line. Ms. Heiks answered yes.

Ms. Ruland asked Mr. Ward for the date when the pool was constructed. Mr. Ward answered in 1980. Mr. Musteric stated he was sure it was built by 1985, at the latest.

Ms. Ruland made a motion to grant the variance with some conditions. One of the conditions was that the swimming pool deck had to be at least five feet away from the side lot line. Additionally, the area that would be split and combined had to be consistent with the materials included in the variance application. Mr. Bowlus seconded the motion.

Mr. Musteric called for a vote.

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

PUBLIC FORUM

CHAIRMAN'S TIME/COMMISSION MEMBERS' TIME

Mr. Musteric stated the rules needed to change so that subdivision variance applicants had to provide a survey and site plan. The materials would need to include the location of buildings and structures, as well as their distances from existing and proposed lot lines. Other Commission members concurred.

DIRECTOR'S TIME

Staff Activity Report

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

Mr. Wineland asked Mr. Steiner about new home building in Wood County. Mr. Steiner stated villa homes and villa lots were, at that time, really popular. Mr. Steiner stated he was not seeing as much new home building in the rural areas as he had in the early 2000s.

Mr. Steiner passed around a draft copy of his research into some considerations for spot zoning. Mr. Musteric asked Mr. Steiner if he was looking for feedback. Mr. Steiner stated the Commission members could reach out to the Planning Commission staff with their feedback.

Mr. Wineland made a motion to adjourn the June 4, 2019 Planning Commission meeting. Mr. LaHote seconded the motion. Commission members responded in full support. The meeting adjourned.