

# City of Canal Fulton

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## HPC and PLANNING COMMISSION MEETING MINUTES Thursday – January 19, 2006

Mr. Clayton Hopper called the January 19, 2006 joint Historic Preservation Commission and Planning Commission meetings to order at 7:30 PM.

### PLEDGE OF ALLEGIANCE

### ROLL CALL - PRESENT

#### HPC

Clayton Hopper

Diane Downing

Chell Rossi

Dennis Browne

Sandra Hayes

**Absent:** John Workman, Bill Dorman

#### Planning Commission

Clayton Hopper

Diane Downing

Don Schwendiman

**Absent:** Mayor John Grogan, John Workman

### Others in Attendance

Johnson Belford, Zoning Inspector, Dave Kohlmeier (representing the City Engineer), Jim Rosenblatt, Owner/Developer – Rumble Property

## HISTORIC PRESERVATION COMMISSION

### CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS

Ms. Rossi made a motion to accept the November 17, 2005 HPC meeting minutes; seconded by Mrs. Downing.

**ROLL CALL: Yes – 4 Abstain – 1 (Dennis Browne)**

Mrs. Downing made a motion to accept the November 17 2005 Planning Commission meeting minutes; seconded by Mr. Hopper. **Correction:** Mr. Schwendiman attended the meeting. **ROLL CALL: Yes - ALL**

### PRESERVATION BUSINESS & CERTIFICATES OF APPROPRIATENESS

#### Certificate of Appropriateness:

**Tom Hardgrove/Wood Awning:** Mr. Browne made a motion to grant the Certificate of Appropriateness; seconded by Ms. Hayes. **ROLL CALL: Yes – ALL**

As there was no new business for HPC, Mr. Hopper adjourned the HPC portion of the meeting.

## PLANNING COMMISSION

### CONDITIONAL USE AND SITE PLAN REVIEW

**James Rosenblatt dba Great Lakes Land/Rumble Property Submitted Site Plan and a Request for a Conditional Use Certificate (Per Section 1157.02(B-1) Planned Unit Development:** Mr. Hopper stated the City Engineer reviewed the site plan and along with department heads have made their comments regarding same. Utilities have no comment. The Police Chief said he saw no problem with traffic or crime prevention; he did recommend they remove all vegetation along Erie/Alexis to improve visibility on the curve. Dan Mayberry wrote that the one proposed exit road is too close to the curve. It was suggested to bring that one street close to curve be brought in behind the pond and come out to a boulevard effect. Mr. Schwendiman stated they looked at the intersection sight differences, and he suggested putting the access drive right at the Northwest corner of the

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property because neither of the other two gives sight distance. The biggest problem is the traffic from the Northwest High School. Mr. Rosenblatt suggested a boulevard-type entrance – a single entrance – which would meet that concern and then check with the Fire Chief. Occasionally they would say they need a second-type of emergency exit, so what they do is make a concrete base where the grass grows through so it looks like grass but actually is made to specifications that could hold the fire/emergency equipment. Mr. Belford told Mr. Rosenblatt that once he gets a new conceptual drawing, as soon as he gets it to him that he'd put into the hands of Chief Green to review.

Mr. Schwendiman asked if the plans adhere to the new code, the 100-foot frontage on the lots. Mr. Rosenblatt say, "No, what this actually is, is within the R-1 there's a conditional use, and this is a PUD style." He went on, "And, in that conditional use, you have a certain amount needs to be green space; certain amount needs to be, well, the way it's designed – the way it's written is, it seems like it's more of a numbers of how many can be clusters and how much can be green space. And, the number was pretty high; it was like 75/80, according to the amount of acreage. So, what we did was we looked at a cluster style where these are individual pads. The homeowner will own in fee simple; these are all for sale – no rent." He said the smallest pad, which is what a house would sit on, would be 40' x 50' but you actually have common ownership of all the land – the association. He said the house would not even fill the 40' x 50' probably. Mr. Schwendiman said, "In other words, what you're saying then, there is something there that supercedes our code." Mr. Rosenblatt replied, "No, it's within your code under what you call Conditional Use." Mr. Hopper said it's a PUD and what it amounts to is that's why they do private roads and where the home sits is all that they're going to pay taxes on, and the rest of the property is owned by the association (all the green space, except for where the house actually sits – the footprint). Mr. Hopper said, "So, there is no individual – what you could say – lots. No one is buying these lots; they're buying a home that's occupying 10,000 sq. ft." Mr. Belford said it's the same as what Schalmo is building; they're classified PUDs, but whereas he puts 2 and 3 units together, these are single-family. Mr. Schwendiman said Schalmo brought that in before the city had the lot requirement go from 80-ft. to 100-ft., but Mr. Hopper said that no, he brings all that in under an R-3 zone, like when Lockhart requested R-3, he was going after was PUDs. Mr. Hopper said PUD is a conditional use in an R-1; it's not allowable like it is in an R-3. Mr. Rosenblatt said with this type of housing, what happened with the original PUDs when they did that was more for cluster town homes, where everything's attached and things like that, but what's actually happened with the real estate market in general is people want the maintenance done by an association; cities want the water retention ponds done by the association, and actually the cities don't want this do this free maintenance. He said people like the associations, but they want their individual home; they don't like the attachments much anymore, so that's why it looks like a cluster, but they are basically single-family detached homes.

Mr. Hopper said it was the first time he'd seen the plans. Mr. Rosenblatt stated there would be 59 cluster-style homes around 1,500 to 1,600 sq. ft. x 2,000 sq. ft., in a single-family detached, for sale. (175) owner occupied. Mr. Hopper said that part he liked, which is what the original intent of an R-1 zone is going to give us, but this is defeating the intent of the R-1 zone. Mr. Schwendiman stated, "We had just went; we had an 80-ft. front lot – is what you had to have. We just got it through Council here last fall to extend that to a 100-ft. front to try to open things up more and not have as many houses on a piece of property. And this really, to me, defeats what we were trying to achieve when we did that, and I think that it's going to be (to me, I'll only speak for myself) way too much traffic coming out here with that school up there and all that traffic, busses, and all that's coming down. To me, I don't like it. I'm sorry, but we went to a lot of trouble getting that changed from 10,000 sq. ft. to 12,000 sq. ft. per lot, and going from an 80-ft. frontage to 100 – and this is just – looks like those lots are maybe 50-60-ft. wide around the outside; they're not even 80." Mr. Hopper added, "Under the principal of PUD, like you say, there is – it's a little bit of a grey area. But, the fact in an R-1 zone it is conditional use." He continued, "That conditional use doesn't have to be approved when we've got an R-1 zone, then that's it. You're going to have to have 12,000 sq. feet on a lot." Mr. Rosenblatt said he'd been trying to get with the city for at least a year because with the annexation they have met with this, talked to people for a long time, and this was the style of plan that everyone was kind of for. He said the thing with the PUD – the way it's designed – he could meet all the requirements of the current PUD zoning, but the market has "kind of moved away from that attached housing – that attached cluster-style housing." He said people want the associations, they don't want to own big lots anymore. He added he knew the city has the "100 by whatever size that you've upped it too, but when you look at so many of the projects that are going in, people are either going to huge parcels (5 acres/10 acres and spending ½ million/1 million bucks)", or he said they want an association that will take care of everything. He said they made the private roadway the size of a regular street to address issues of parking, traffic, etc., but the only difference between this and just a standard PUD that is in the city's code is that they didn't do duplexes and four-plexes; they took a lower number and spread it over the site. Mr. Hopper said whether it's a PUD or not, it's still an R-1

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zone and he thought they would have a hard time putting apartments, duplexes or whatever in an R-1 zone. Mr. Hopper stated an R-3 was different story, but this is R-1. So the PUD is a conditional use, and he thinks they are taking about too many homes on the site. Mr. Rosenblatt said, again, the reason they went with the PUD, the city's current code would allow between 70 and 80 units on the site. He said he thought that was too much, so they did the detached clustering, so they came in with a lower number of same than the PUD allows for that site. He said if the whole concept would go back to straight single-family street, where the city maintains the roads and retention or whatever, that's a different story – nothing they'd talked about this past year because they'd always talked about some form of a PUD in an R-1 zoning, and it's been a long time to get this done. He said there has to be an association because the PUD makes it so the city doesn't maintain the roads, the retention ponds, plow or pick up the trash, etc., and for the maintenance he thought what is needed was an Mr. Schwendiman asked if there would be parking on the street, and was told the homeowners will own garages and the streets would be normal-size city streets with parking on one side. Mr. Hopper said the problem as far as the Planning Commission is that it was leaving them open, as the idea of a conditional use is "just that." He said if the use gets granted, the conditions that get applied are up to the Planning Commission to attach those; one of the conditions might be "no parking." Mr. Rosenblatt said the only thing anybody ever said to him is that the city doesn't want rental housing. Mr. Schwendiman stated he'd rather see the city have to take the streets over and have half as many houses on 100-ft. lots at 12,000 square feet; there's always a chance down the road with the associations that the city is going to take them over anyway. He said there is no guarantee that the association won't collapse in future years – about the time that the roads really start to deteriorate - and it takes a lot of money to repair them and keep them up. Mr. Hopper said he doesn't like the idea of the density. Mr. Schwendiman said he was sure as a developer, Mr. Rosenblatt probably had a starting point or for the investment, the minimum he could put in there and still make money. Mr. Rosenblatt said if 59 is too many, maybe there is another number, but if Planning is saying they don't even want the concept then he is back to where he was before he even bought the property. Mrs. Downing asked Mr. Belford if Mr. Rosenblatt was still within the guidelines in every way, and Mr. Belford said, "What he has proposed here, he's come in under our conditional use for R-1 as a planned unit development, and he meets all Zoning requirements." Mr. Hopper said his question is, especially with the single family owned occupied home is what's classified as an R-1, but the cluster-type develops only come out of the PUD section; they're not really allowed in the R-1. Mr. Belford added, "Only as a conditional use," and "You have to go down to conditionally permitted uses to find what he has submitted, and it takes a conditional use permit from this Planning Commission." Mr. Hopper said he was essentially asking for variance. Mr. Rosenblatt asked if 59 is not acceptable, what number is, asking if the concept was OK. Mr. Hopper said a compromise would be acceptable – maybe 30/35 homes – just to be able to keep the PUD concept of the association doing the maintenance and the roads, and so on, and he liked that concept.

Mr. Schwendiman voiced his concern about the density, the exit drive, and the amount of cars coming out of the site with the school's location. Mrs. Downing voiced her concern about parking. Mr. Schwendiman said there should be signage that you can park on only one side of the street, and he would like to see 25' streets. Mr. Hopper said the problem is if Planning makes it one-year conditions (no parking on a 23' street), what the commission is doing is putting a real burden on every one of Mr. Rosenblatt's residents, but coming to Planning with 25' streets, then they still have the needed width (safety reasons).

Mr. Hopper asked Mr. Rosenblatt to review the site and see if there was a way of giving Planning another number as far a compromising on units. Mr. Hopper said he could acknowledge receipt of the plan; requesting Mr. Rosenblatt to drop the number of units. Mr. Belford asked that he drop the information off to him to give all Planning members.

Mr. Hopper said regarding conditional use that time is on the city's side. With some of the developments that happened on this is that Planning got the legislation to Council on time; Council tabled

**ADJOURNMENT**

*Mr. Hopper adjourned the Planning Commission meeting.*

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**Clayton Hopper, Chair**