

City of Canal Fulton

HPC and PLANNING COMMISSION MEETING MINUTES Thursday – February 16, 2006

Mr. Clayton Hopper called the February 16, 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
Paul Bagocius
Bill Dorman
John Workman

Planning Commission

Clayton Hopper
Diane Downing
Don Schwendiman
Mayor John Grogan
John Workman

Others in Attendance

Johnson Belford, Zoning Inspector, Jim Rosenblatt, Owner/Developer and Matt (Engineer) – Great Lakes Land, LLC

HISTORIC PRESERVATION COMMISSION

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS (HPC)

Mr. Browne made a motion to accept the January 19, 2006 HPC meeting minutes; seconded by Mrs. Downing.
Corrections: Add Mr. Dorman under “Absent” **ROLL CALL: Yes - ALL**

INTRODUCTION TO NEW HPC MEMBER

Mr. Hopper introduced Paul Bagocius, who is replacing Sandra Hayes on HPC.

CORRECTING & ADOPTING THE RECORD OF PROCEEDINGS (PLANNING COMMISSION)

Mr. Hopper made a motion to accept the January 19, 2006 Planning Commission meeting minutes; seconded by Mrs. Downing. **ROLL CALL: Yes - ALL**

PUBLIC HEARING: Mr. James Rosenblatt dba Great Lakes Land, LLC, for property located at approximately 7950 Erie Ave. NW and known as the Rumble Property; an application for a Conditional Use Certificate to construct a Planned Unit Development on property zoned R-1 Single Family Residential:

Mr. Hopper advised Mr. Rosenblatt that Council has not approved it yet, and they cannot hold a Conditional Use Hearing on a piece of property that is holding Lawrence Township R-1 zoning (it's been annexed into the city), and the PUD does not exist in Lawrence Township zoning. The City Engineer provided a letter saying he cannot approve it because it does not meet the code. The property does not have City of Canal Fulton R-1 zoning; Council will have a Public Hearing and a Third Reading on same Feb. 21, 2006; if they pass the ordinance then it has to wait 30 days before it becomes law. Mr. Rosenblatt stated he discussed PUD rights “all the way through” and that the City Manager Marge Loretto went to the Stark County Commissioners with them, and he could probably get the minutes for the meeting. Mr. Workman said PUD “is a privilege bestowed on you by the community if it fits in with what we want to do.” He went on saying that for somebody to tell him that he could bring it into the city and he could get a PUD, they were absolutely wrong.

There was a discussion regarding the number of units Mr. Rosenblatt wanted to build. He originally wanted 59, but the Planning Commission is looking for “somewhere around 30 units.” Mr. Hopper referred to the word ‘compromise’ which was in the previous minutes. Mr. Rosenblatt said a straight, single-family subdivision is about 40 homes. Mr. Hopper said they would like to see a plan laid out to the city’s “straight R-1 code” without a PUD.

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Mr. Rosenblatt said he spoke with Mr. Workman who suggested 40 homes using the 2.5 ratio; and he said he thought they could agree on a number. Mr. Rosenblatt said they don't want to do attached units; they want to do single-family detached units. Mr. Workman stated that there again "that's conditional." Mr. Rosenblatt said if they can agree to do that – that they don't all have to be attached – they can come up with a number. Mr. Hopper said he didn't think that was a problem; his problem with the revised submitted plan was with the numbers. Mr. Schwendiman said they'd only come down three units (56), and at the last meeting they'd asked if he would submit a plan for our R-1 zoning and let them look at that, and the Planning Commission has not seen that either. Mr. Hopper reiterated the whole key behind this is that it's a conditional use based on their conditions and that was the conditioned they'd asked to see – not a 2.4 factor – and they want to see that or they won't get it, as far as he was concerned; a conditional use is permission from the Planning Commission to do what they want to do. Mr. Rosenblatt said, "Again, you're asking me to draw a plan that I have not been pursuing, which would be similar to me drawing a plan showing 80 units that I'm also not interested in doing." Mr. Workman said if he works with us with the numbers and comes up with a plan they can live with, can he get around the regulation of having any attached units, and he didn't think that would be a problem. Mr. Rosenblatt said he is "not a difficult person" and he was willing to adjust the numbers.

The Rumble Property has a barn on it that is of historical building (approx. 115-years old) that is good shape located in Lot 1. Mr. Workman made a recommendation to Mr. Rosenblatt to try to preserve that barn. Mr. Rosenblatt stated there are definitely people who want to purchase the barn; the problem is the Engineer wants the drive in that area. He said they couldn't figure out how to keep it, have people pay for it and use it to maintain it on the site; plan is to move it.

PRESERVATION BUSINESS & CERTIFICATES OF APPROPRIATENESS

Certificate of Appropriateness:

Mr. Hartley Grimm dba Memory Productions, 116 N. Canal St. Approval of Window Signage: Mr. Hopper said historically signage attached to the inside of the windows is part of the code, and it was good they were present to at least show HPC what they want to do. Mr. Workman made a motion to grant the Certificate of Appropriateness; seconded by Mrs. Downing. **ROLL CALL: Yes – ALL**

ADJOURNMENT OF HPC MEETING

Mr. Hopper adjourned the HPC portion of the meeting.

PLANNING COMMISSION

OLD BUSINESS

Mr. James Rosenblatt dba Great Lakes Land, LLC, Continuation of Site Plan Review and Conditional Use Certificate for property located at approximately 7950 Erie Ave. NW, and known as the Rumble Property: Mr. Hopper said the plans Mr. Rosenblatt require a conditional use for a PUD, and they can't hold a hearing or grant a PUD or conditional use because it's not legally zoned R-1 officially in the city yet; it is annexed into the city, but it's still carrying Township R-1 zoning, and it will carry that until Council passes the legislation on February 21, 2006. Thirty days after that Public Hearing on the 21st it will become law. So that makes the next regular April Planning Commission meeting, they can hold an official Conditional Use Hearing covering a PUD; otherwise the property will carry the same zoning that it is now. It's just going to carry R-1 that requires lots of 1,200-sq. ft. and 100-ft. width buildings; that they can submit a plan for and the Engineer can review it. "If it meets the Zoning Code, it's approved," said Mr. Hopper. Mr. Rosenblatt said it hasn't been his plan from Day 1, and it wasn't what he discussed with City officials or plans he presented. He would like to stay with the PUD with the roadway they discussed, but he would like to give the Planning Commission a plan that would be acceptable to them to have for that meeting. Again, if there is a number that would be acceptable to Planning, then Bryan (their Engineer) would draw it, and that to Mr. Rosenblatt "was the last piece of the puzzle." Mr. Hopper said originally he had thought a "little bit of a compromise would be justified today for a Conditional Use." He was disturbed, however, that previous government officials told Mr. Rosenblatt ahead of time that he could have a PUD and it wasn't in the code. Mr. Hopper said, "They know enough about the Zoning, I can't believe they did that." He would like to have them at the meeting in April to ask them why they did that, as theoretically, they were lying to Mr. Rosenblatt because it didn't exist. Mr. Rosenblatt's understanding was it does exist in the R-1 zoning, and he thought the way they'd discussed it, "the land comes in to the closest zoning that you have – that Canal Fulton

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has to what the Township has.” Mr. Hopper stated, “And, it does; it comes in as Township R-1, but until Council passes the ordinance making it City of Canal Fulton R-1 then the PUD isn’t even a Conditional Use.” He went on to say somebody dropped the ball – the annexation – the fact that it did get annexed and the request to rezone it to City R-1 didn’t come before Planning until several months after it was annexed. Mr. Hopper said via his discussions with the City’s Law Director, theoretically they are not even allowed to talk about a Conditional Use until it’s legal.

Mr. Rosenblatt’s Engineer stated that one of the benefits of the proposed development that is here is that it doesn’t have a lot of cross traffic through the development, so people that will be noticing the intensity or the density of the development are those that are specifically trying to enter into the development. Off of Erie Avenue, they have a considerable buffer strip there because of that flood plain section and they are doing their storm water management down there. He said they have quite a substantial green zone area/buffer/landscape zone to provide a separation between the development and what’s on Erie Ave. He agreed that the density of development is important with respect to the number of cars going in and out, but they do have a good separation. Mr. Workman said what he sees is they’ve created a very densely-packed community of people who would be living in very close proximity and when you do that then you take on the burden of having to make sure they live in cohesion. One of the things is there is no 55-and-older rule, so you run into some things that we don’t have in our other PUD and that is specifically the parking situation; when you get houses packed that close together, you’re going to have three, four and five cars at some point in the lifespan of that house, and when there are 59 houses packed into 15 acres/two car garage – the only place there is to park then is on the street. He said the city has that situation in it is R-1 A and there people are parking on both sides of the street, and that’s not as dense as Mr. Rosenblatt’s request. He added the other situation is they don’t have any means of recreation, and when you have families you have kids, so where would they have swing sets or hold cookouts, which has to be put in because they are creating a community. The other problem is storage; there’s no place set aside (for example) campers. Mr. Workman added when you have houses that close together not being built by one builder, you run into problems with building plans. He stated without sidewalks, there is no place to walk other than the street, and he didn’t want to see a child get run over. His question is: Is the concept of a PUD that they are looking for or is the density? He said if they were looking for the density then he thinks they are looking in the wrong place. However, if they are looking for the concept, then he thought “they could deal.” Mr. Rosenblatt said over 40% is designated green space, so he would hope the kids would play in the green space, but he (again) thinks that the parking issue – there were preliminary meetings going over the plan – and they discussed trying to address that with a wider-than-minimal street with one side designated for parking, and they want to address that as well. He said they can put recreational places into the regulations of the association, whether it’s tennis courts or whatever allowed by City Code. He added they were looking at a single builder; three or four models which are “very attractive” and selling in all the communities they’ve done. The market wants maintenance-free living. Mr. Workman suggested 40 units or under.

Mr. Schwendiman said the traffic from the schools was a major issue; there would be a lot of cars and when school lets out it could be dangerous. He said the Code is 100-ft. frontage and 12,000 square foot, and if they give a Conditional Use, it would open up the door for anyone who would want same. Mr. Rosenblatt said he felt that the majority of people who would be living in this type of community are the people who are “empty nesters” and/or single professionals that are gone during the day, etc., and he doesn’t think there is going to be that much traffic going in and out of this type of development because it’s not going to be geared towards (but not restricted) somebody with three or four kids that wants that fenced-in yard where the kids will be coming and going a lot from high school. Mr. Hopper said you can give them green space, but if there is nothing there to use, they’re not going to go there, and they are not dealing with the association now – they are dealing with Rosenblatt.

Attendees were polled as to numbers they’d like to see: John Workman/Diane Downing: 40; Clayton Hopper: No more than 42; Don Schwendiman “stay with R-1” – he feels that they went to the trouble to ask Council to change the Code and now are going back on what they asked them to do. He said if it comes in an R-1 they were going to know exactly how many homes; Johnson Belford: using factor he can get 34-35 homes with a “straight R-1 would allow.” Mr. Belford said, “All of our current PUDs are 55 and older.”

Mayor Grogan said that being in such close proximity to the schools, he found it hard to believe that empty nesters will want to live there when younger families will find it so much more convenient to take their kids from Point A to Point B, and that empty nesters historically have never wanted to move towards schools, so Mr. Rosenblatt will primarily have young families, which will eventually have older families, which will eventually have teenagers with cars and extra vehicle/things of that nature. He added that if the sat here and said this is going to be professionals/empty nesters, they’d be kidding themselves; it would never attract that as close as the schools

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are located. With that type of density and amount of growth, the Mayor could see problems, but he would be comfortable with a lower figure such as 38 to 41. Mayor Grogan stated that proximity to anything is going to dictate who moves into these types of communities.

Mr. Hopper said for Mr. Rosenblatt to keep in mind that when the parcel receives the City R-1 that contains the Conditional Use for PUD then they could again hold another Public Hearing and he could submit a plan for it. How he would adjust his numbers is totally up to him. Mr. Hopper agreed with Mr. Schwendiman that he didn't want to have it for one and not do it for all.

Mr. Rosenblatt stated he thought future developers would have to go through just like what he is going through, which is they got annexed in and the city tells you this is what we'd like to see. He said that's all he's been asking for in the last few months, and he thought he was on the same page before but obviously it's an issue. Mr. Hopper said that what the Mayor described to him earlier was that through his meetings with the previous City Manager and the County people in Regional Planning, he was told that he could have a PUD. Mayor Grogan stated he didn't want to speak on that City Manager's behalf and obviously he wasn't privy to a lot of things, but he could tell them he wasn't given full disclosure on a lot of things, but that's how government run sometimes especially with a new Administration coming in, personnel changes and said and it was unfortunate. But, he said it might be in the best interest to invite the previous Administration to invite them back and ask them if there is something they are missing because if that was something they'd initiated on their own, it certainly wasn't with the endorsement of his office or anybody from the Planning Commission because anything that would have to do with planning or development would have to come here first. He believed that person should have known enough to at least direct it to Planning. Mr. Rosenblatt said they presented a plan that showed so much green space, so much single family and it was like this seems like it's something that could work in this Zoning. He said it was not a full plan when presented, but it was something that was discussed on the order of - yes this seems to be within our R-1 Code and this would be OK and you're going to come in as an R-1; you're R-1 in the Township and you're going to be R-1 here - and that how he said he was kind of directed - this where you'll find the PUD, so nobody ever said, "Gee, if you want to come in with that plan, you should get it rezoned R-3 and you better check on that because we may not want . . ." Mr. Rosenblatt said it was basically a conceptual plan from Day One, which is why they waited so long through the annexation process and they presented a layout of meeting all those, as he said before, eight units per acre and so many single family and so much green space. He said, "We were told, 'Well, that's within our R-1 Code; that's where you'll find what we define within there, so if you go ahead and annex this in, which we were encouraged to do and which we did, this is where you're going to find this PUD zoning in our Code.' But I don't want to give the impression that someone said, 'Yes, you're approved.' It's just that this is where you'll find everything that you have to go about doing."

NEW BUSINESS

Mr. Workman stated, "I want to get it on the record about the new zoning code (re: private streets). We sent it to Council, and Council changed the language and should have sent it back to us for approval." Mr. Hopper talked to the Law Director mentioning same, and said, "As far as I'm aware . . . for as many years as I've been around here, the correct procedure is Planning Commission designs or puts wording in the ordinance, asks the Law Director to draw it up in ordinance form. He sends it back to Planning Commission. If it meets with their requirements, they send it to Council. If Council has a problem with it, they're supposed to put their questions in a letter and return it to Planning Commission - not just take it on their own and change the wording of an ordinance. And that's exactly what happened, as far as I concerned with this Ordinance 28-05. They changed the wording on it. Last December 6, 2005 - If you read it, as far as I'm concerned, Council just did away with the Planning Commission. We might as well resign our positions and the Mayor can appoint the Fire Chief to them because that's what this code is saying." Mr. Workman said the big question is if push comes to shove and we get hauled off to Court, is that a legal document? Because it did not go through our Charter, and that's in the Charter as that's the progression it's supposed to go. It should also say the Fire Chief should give his recommendation not his approval. Mayor Grogan will bring the issue back up to Council.

ADJOURNMENT - PLANNING COMMISSION

Mr. Hopper adjourned the Planning Commission meeting.

Clayton Hopper, Chair