

City of Norton
PLANNING COMMISSION
Tuesday, July 28, 2020

The Planning Commission of the City of Norton, Ohio was convened on Tuesday, July 28, 2020 as a remote meeting, pursuant to H.B. #197. Chairman Dowling called the meeting to order at 6:00 p.m.

I. ATTENDANCE:

PRESENT: Ralph Dowling, John Conklin, Ruth Stimac, Marion Peterson and Jim Lada

EXCUSED:

ALSO PRESENT: Mike Zita-Mayor; Robert Fowler-Administrative Officer; Justin Markey-Law Director; Bill Braman-Zoning Inspector; Shannon Szittai- Administrative Assistant;

II. OLD BUSINESS:

Chairman Dowling stated that there was no old business.

III. NEW BUSINESS:

Application SPR5-2020
Brookside Land Co/ Joseph A. Flogge. – Owner
3727 Golf Course Dr. PPN#4600259/4604166
JA Friedman Capital - Agent
TGC Engineering – Preparer of Sketch Plat
[Major Subdivision]

Mr. Dowling stated PC Application SPR5-2020 at Brookside Country Club is for a preliminary site plan on two properties; one is for Brookside Land Company and the other is Joseph Flogge as a multi-use district. We have a set of drawings that are dated from earlier, but the upper corner has 07-02-2020 so it looks like we have the current drawings although there is some confusion on some of the details. Mr. Dowling explained to Mr. Friedman there were many people interested in this and invited to speak on the plans and type of houses to be built.

Currently, the property is zoned for 701 units. It means we have flexibility to develop something that works well within this community and area. When we looked at the maps, we decided we didn't want to max out the zoning to 701; we feel a combination of product types will fit in this property and combination would include: one story single family, two story single family, and one and two story multifamily units. The plan

highlights single family products and he will orient it from left (Greenwich) to right (the highway). On the left side, we have 308 single family homes that are approximately 60% one story and 40% two story. On the far right, closest to the highway, we are referring to it as Phase II with 30 acres and the ability to build 382 multifamily units. A month ago he couldn't say this, but after spending so much time in the market, so much time talking with those here in this zoom, he doesn't see building 382. What fits best in this community is one story, maybe some two story, rental properties; so that's why they are asking for consideration for a total of 308 single family units and 200-250 roughly multifamily units for a total of around 500-600 units which is less than the allowable zoning.

A few more important details they took into account were the existing condition of the property. Mr. Crane kept the existing conditions much as they are with ponds, streams, wetlands, trees with an unheard of amount of 1.0 acres of wetland being impacted. In the center area we have a designated area for a community space with perhaps a pool. Originally along Shellhart, we had more than 50 curb cuts, but this plan contemplates 7 full curb cuts with most lining up with the streets on the other side of Shellhart. Looking at streets A, D, and I (changed from G to alleviate a smoother transition and slow down the traffic heading east).

Mr. Dowling stated the residents were concerned with the build out and square footage, etc.

Mr. Friedman stated he was not a home builder, but a developer, and would bring in a professional, national home builder. It was unknown who at this time, but they should know in the next 30 days. The homes would be between 2000 to 4000 square feet, with the average around 2500.

Mr. Dowling asked about the pricing.

Mr. Friedman responded around \$250,000 to \$400,000. Probably closer to \$400,000 to build that size home with the pricing the way it is today and our land costs.

Mr. Dowling stated he had asked about open space and maintenance of that and the retention ponds. He understood the plan was to do an HOA (home owners association).

Mr. Friedman concurred and stated all the streets will be public improvements but a home owners association would handle all common areas including landscaping upkeep, entrances, electricity; all common areas not owned by a private property owner.

Mr. Dowling wanted some clarification under the MUD section 1287 that permits five units per acre and they have complied with that, but there are setbacks and things on side yards they had proposed that meets requirements for a MUD right now although there are some things in respect to roads pertaining to the Code that need addressed. The property would support up to 700 units in theory and meet the Code requirements.

Mr. Friedman responded they had looked at the project in a lot of different ways. With what is in the area and the community now it is single family housing and our goal is to keep it that way in the visible part of the property not against the highway.

Mr. Dowling relayed they had received 70-80 emails on this and he read them all yesterday. There are three or four common themes there. I have 13 or more questions, many involving the Code that I submitted, but will open the floor for other Planning Commission members first.

Mr. Lada asked about Golf Course Drive and what the plans are for it as it is not even on the plans. It is a private road that is part of the Flogge property and the residents there are concerned about it.

Mr. Friedman answered that is something they have continued to talk with the City on. One of the things they did was to separate the development from Golf Course Drive; there will be no access to the development from Golf Course Drive and there are no plans for homes to be located along it. We are talking to the City as to how the street will be handled going forward.

Mr. Lada asked for clarity and Mr. Dowling asked Mr. Fowler for input.

Mr. Fowler responded that they have resolved the issue and thought Mr. Friedman was reluctant to address it. Part of the agreement is that Mr. Friedman will update the road as part of the project and the subsequent maintenance will be defined in the development agreement that goes before Council once the preliminary plat has been accepted. A lot of what is coming forward has to go to Council. There are really two items that he hesitated even calling of concern that are matters for the Planning Commission. One is the cul-de-sac, but due to the wetlands and other issues on the southern end of the property our engineer and I met with Mr. Crane of TGC and discussed it. Yes it is excessive by about 400 feet and there is one extra 219 feet between intersections that he believed should be about 250 feet. As a City, we thought and encouraged these 3 access points because we didn't want all the traffic at two access points for public safety. With multiple water connections it gave us redundancy in our water system as well as address public safety concerns.

Mr. Dowling stated this development would have city water and sewer and it would be up to the Cities of Barberton and Norton to make sure it is functional with Mr. Friedman seeing it got connected to the system.

Mr. Lada asked about the pump station capacity and storm water flow. He had asked if the pump station needed an upgrade to accommodate this build out. Has anyone pursued that?

Mr. Fowler stated they had a study from Environmental Design Group that designed Nash Heights. The only issue is not with the pump station as it has the capacity but we would have to increase the pumping time. The pinch point is actually located in front of

McDonald's, but the pump station as currently presented and the line on Shellhart, with the meeting with Barberton, confirmed it is sufficient to handle this issue. I can get the study confirming this from EDG if the Commission wants it; it was presented to us last year by Jim Debowski.

Mr. Dowling asked about the storm water runoff.

Mr. Travis Crane explained the site is high on the north along 224 and flows south towards Greenwich with fairly uniform flow. On the site plan we have about 5 storm water retentions planned. Dry or wet, they would hold the same volume we need to comply with all the City, State, and EPA regulations.

Mr. Dowling thought it would all flow under Greenwich and Mr. Crane agreed. We want the water to go where it was going before any roads and houses were there and this is a relative easy site to work with.

Mr. Dowling asked if the flow will be relatively the same when developed as now.

Mr. Crane responded it is more complex than that and there is a significant reduction of flow rates post development. We do the data collecting for a critical storm and what is needed for a 10 or 25 year event. It will likely be a 10 year event we will use and it will be knocked down to a pre-development 1 year event flow and all the vents above that will match so it will not exceed those flow rates.

Mr. Lada spoke of all the exits onto Shellhart and assumed there would be a lot of young couples which mean children with flow to the schools. Shellhart is a quiet road and do we do traffic studies for impact on the roads? My concern is the flow of traffic across Shellhart as it will be a shortcut to get to I76.

Mr. Fowler answered we do not currently do traffic studies pre-development because a traffic study done today would not be indicative of how the traffic will flow after development. They have broken Phase I down to couple of phases and it was discussed of doing the traffic studies as those phases go on line to see if there are other alternatives. Mr. Dowling and I have discussed traffic signals, but those things are better done after construction.

Mr. Dowling stated a good point on going through this. The build out could be five years or more.

Mr. Friedman responded he had not said that, but he would be here for a while as he does not expect to sell out in two years. He would be here for five or six years and he is interested in the impact. We are concerned about the traffic impact and a traffic study down the road would be beneficial to look at for other changes we may need to make.

Ms. Stimac stated many concerns came from residents on Shellhart and even Clubview that would be facing the project and if there would be any landscaping or anything to ease the view.

Mr. Friedman responded they were not far enough along to give a commitment on where he would put landscaping. In all our developments there are landscaping throughout; the short answer is yes, there will be landscaping.

Ms. Stimac asked if that wasn't incorporated within the plans we get and right now there doesn't appear there is a lot of footage allowed for that.

Mr. Friedman asked Mr. Crane what the general setbacks were off of Shellhart.

Mr. Crane answered the dash line off of Greenwich and Shellhart is parallel to the right-of-way is a 50 ft setback off the right-of-way.

Mr. Friedman stated the distance from the rear property line and Shellhart is approximately 50 feet minimum.

Mr. Crane stated that within the zoning code there is no requirement for a buffer. Mr. Friedman was adamant when he was doing the land plan to keep the privacy on Clubhouse Drive and minimizing the curb cuts on Shellhart. As an engineer his two responsibilities are land planning the site and engineering. His engineer mind loves efficiency. He sees a road and he likes to put houses so his first concept plan showed houses all over the place on the existing roads. Mr. Friedman's opinion was to be a good neighbor and so concept two drastically reduced curb cuts and he wanted some kind of setback around the perimeter even though it was not required; so we added that 50 foot in where we could.

Ms. Stimac stated she didn't feel the neighbors were all that against developing the area or Norton as a whole, but they want you to be a good neighbor.

Mr. Dowling stated you were basically going to have 50 foot setbacks to the edge of the yard and their house has to be 25 feet beyond that. That is something he will make a recommendation to make some kind of small mound or something to block the view although there is no code for it.

Mr. Dowling asked about the discrepancy of the dates as one says 3-17-2020 and then down in the corner the date is 7-2-2020. We have talked about one of the requirements is having sidewalks but the view he has doesn't seem to have them and you had said yours did.

Mr. Crane stated the submittal index is for them to track things and they did make a submittal back in March, but then worldwide events sidetracked everything. For lack of a better word it is for accounting purposes. We will do the same with our final as it tracks our changes so everyone knows what is going on. To answer the question on

sidewalks, it is our intent to have sidewalks on the internal new roads that are installed. If you look at the detail on sheet 103, on the lower portion of the page it shows the lot dimensions and it shows two lines that are like a hatch. We call it a concrete hatch and that is our intent to show sidewalks on both sides of the street.

Mr. Friedman stated it shows both sides, but we would most likely do one side. It's too much hardscape; we want to keep a little grass.

Mr. Dowling stated you have 24 foot of road width and then you have a 60 foot total easement requirement.

Mr. Crane stated it is a public right-of-way.

Mr. Dowling stated he sees it now and the Code requires sidewalks on both sides but he believes there may be a section where you can put it one side. Planning can probably make a decision, but Council has the final say.

Mr. Friedman stated he would be happy to have the conversation. It's really about what is good for the community. We don't want to have too much concrete. He has found both sides is just one more way to take away grass.

Mr. Dowling stated he and Mr. Crane had briefly discussed minimum radiuses and cul-de-sacs for side truck access. He used the northend on Street I and wondered if that was grass for a cul-de-sac.

There was some discussion on the cul-de-sacs with grass or landscaping and Mr. Crane stated that was a lot of detailed information that would be addressed when they got into final plats and civil engineering. Our first phase of the single family units will probably be a 50-60 page plan with a lot of detail; it would be overwhelming to submit that. We did review the City's subdivision regulations and this complies with those. A minimum horizontal curve he believes was 50 feet radiuses for the cul-de-sacs and this complies. He doesn't have a concern complying with any of those. It came up earlier on the two items of which one was the length of the cul-de-sacs and specifically on street C's southern leg. It parallels Shellhart and we are slightly less on the intersection spacing requirement on Street C and A. It is closer to Shellhart on Street A. Our rationalizing is people like living on cul-de-sacs and it is an optimal sales point. We really tried to maintain Shellhart's integrity. The cul-de-sac option is better than having 50 or 60 homes with curb cuts on Shellhart. So we ran street C and would ask for a variance.

Mr. Dowling stated he was struggling on whether to table this for some additional corrections or approve subject to resolution of our comments. In one area, he would probably say that these intersections and cul-de-sacs should all comply with the ordinances of the City of Norton. I talked to Mr. Markey on the cul-de-sac length being 600 feet and having something longer than that. I did not speak to the Fire Chief on it. It looks like that is not a zoning code issue; it is construction issue and it looks like the

Planning Commission can recommend approval to accept it. So we could accept the distance between Street A and Street C.

Mr. Friedman stated they would ask that and they know there will be more final approval and more times to come in with more detail, but he would ask for them to approve with conditions to address those items. If we have worked through those by the next meeting we could approve those and move forward.

Mr. Dowling in the past we have approved with resolution of comments. He did not get any input back from Police or Fire Chief. The City Engineer has not reviewed the final drawings yet.

Mr. Fowler stated that Mr. Slaga and he had discussed this at the March submittal and there hasn't been that much deviation; there have only been minor changes. We agreed to extend the cul-de-sac to eliminate the curb cut.

Mr. Dowling stated the issues he would address for approval is his item number 8 on the cul-de-sacs compliance in a subsequent revision or the final plan. The sidewalks, the Code says both sides and asked for Planning members input.

Mr. Lada stated there is not a lot of space left by the time you put the roads in for sidewalks on both sides.

Mr. Dowling stated if he reads the Code right we could allow sidewalks on one side and it would be up to Council. Mr. Dowling commented on Golf Course Drive and how it was set up. He did not feel it was directly involved with this piece here, but would need attended to between the City, Mr. Friedman, and the residents there. He knows it was in their deed to be maintained by Mr. Flogge and assumes Mr. Friedman would then own it but it is separate from looking at the development.

Ms. Stimac responded that she understood the property owner would maintain it and that would be Mr. Friedman.

Mr. Friedman reminded the Commission that Mr. Fowler had stated that was being addressed in the developer's agreement.

Mr. Markey stated we have raised the Golf Course Drive issue every time we have met with Mr. Friedman. He did not believe it was a Planning Commission purview. It was a deed requirement and we would make sure it got addressed for our residents.

Mr. Dowling asked about the phone and electrical lines being underground and Mr. Friedman concurred they would. He assumed there are some tie in fees for connecting to sewer and water with Barberton and the owners would be paying something as he felt that was standard for new housing.

Mr. Fowler stated they would have to pay their normal tie in fees for a new structure. They have to pay water fees to Norton and Barberton. Sewer fees have to be paid to Barberton.

Mr. Dowling asked again and Mr. Fowler responded that is the tap in fee with those set by Norton Council.

Mr. Fowler stated we have a standard tap in fee for water and he believed it was currently \$1300 that is based on meter size. Barberton sets the sewer tap in fees.

Mr. Dowling asked about the possible community center and pool being only for the development and Mr. Friedman concurred as it was maintained by the HOA.

Mr. Dowling went on that he had a few more items that he thought he would like to type out with the details based on what we do tonight say the following items would need to be addressed short or long term. The radiuses of the cul-de-sacs would be an example of that.

Mr. Friedman pointed out that would be in the 50-60 page detailed plan.

Mr. Conklin stated the zoning currently on the property leaves little ground for the Planning Commission to deny it just on the fact we don't like it. What he does want to address is he had went through 100 plus letters and the final decision does not lay with us, but with Council. Even though I don't always agree with her, I did read Charlotte Whipkey's letter and he sometimes has to ask himself if that this legislation is what Council really thought they were getting and what they wrote it on. He thinks Council and the residents need to look at this and decide if they want this kind of density or do Council and the residents need to rethink this for the future. Currently with what we have, he didn't think the Planning Commission has any basis for denial at this point as their application fills the requirements.

Mr. Dowling thanked Mr. Conklin for clarifying the fact that sometimes the Commission has no choice when the application and drawings comply.

Mr. Conklin state he struggled with this type of application being held as a Zoom level due to the lack of public input. Future meetings should be held, even if the school auditorium, to allow personal presence as opposed to Zoom meetings.

Mr. Dowling asked if the Mayor had any comments. Mayor Zita replied he had none at this time, but he has taken a lot of notes and paying attention.

Mr. Dowling stated from the residents' standpoint we are recommending body and looking at the Code. It will be up to Council to have a public meeting, generally as the second meeting and the decision made on the third meeting.

Mr. Dowling stated there would be more applications coming as this would go in phases with more information as they went.

Mr. Friedman stated it would probably be 50-100 units at a time. The first would probably be 50 and then bumped up depending on sales with applications submitted each time.

Ms. Stimac asked if Mr. Friedman had seen the letters.

Mr. Friedman responded he had not and only had the input from the Administration and such. They could put more effort and time, which means money, into the development of the plans if they receive approval tonight.

Mr. Dowling asked for a motion.

Mr. Conklin made a motion to approve application SPR5-2020 and seconded by Mr. Peterson.

Mr. Dowling stated he would like it to say subject to satisfactory resolution in the following areas of which are primarily required to the Code by the final version or final site plan. He would type those up this evening and present them to Ms. Szittai. They are not show stoppers but are for clarity.

Mr. Conklin stated so motioned and Mr. Peterson seconded.

ROLL CALL: Mr. Conklin -Yes; Mr. Peterson – Yes; Mr. Dowling -Yes; Mr. Lada - No; Ms. Stimac -Yes; Motion 4-1...Approved

Mr. Lada stated he could not say what Mr. Conklin had said any better; his words were to the point and he agrees with them, however he could not in good conscience approve. His words were appreciated by Mr. Conklin.

Mr. Dowling stated he would get this typed up and signed to be passed onto Council.

It was undecided if there was any new business coming up at this time.

IV. CONSIDERATION OF MINUTES:

There were none.

V. ADJOURNMENT:

With no further business before the commission, Chairman Dowling announced the meeting adjourned at 7:15 PM.

Planning Commission Chair/
Vice-Chair

Planning Commission Vice-Chair/
Member

Date

**** ORIGINAL SIGNED DOCUMENTS ON FILE WITH THE CLERK OF BOARDS ****

Rahel Daul

Planning Commission Chair/
Vice-Chair

10/14/20

Date

[Signature]

Planning Commission Vice-Chair/
Member

*** ORIGINAL SIGNED DOCUMENTS ON FILE WITH THE CLERK OF BOARDS ***