



**PLANNING COMMISSION**  
4060 Columbia Woods Park  
Council Chambers (Live Streaming on YouTube)  
February 14, 2023

The Planning Commission meeting was called to order by Mr. Dowling, Chair, at 6:00 p.m. on Tuesday, February 14, 2023.

**ROLL CALL:** Ralph Dowling  
James Lada  
Marion Peterson  
John Conklin  
Ruth Stimac (excused)

**ALSO PRESENT:** Kerry Macomber, Acting Secretary  
Bill Braman, Zoning Inspector

**OLD BUSINESS:** Chairman Dowling moved Old Business to the end of the Agenda.

**NEW BUSINESS:**

PC Application R1-2023

Mr. Dowling explained this application is for rezoning 3837 Cleveland Massillon Rd (PPN 46-06443). There are 20 acres that will be split and rezoned into a C-1 (commercial) area and a R-PC (residential planned cluster) area.

Keenan Hahn, President of Hahn Homes, 4482 Swan Lake Dr, Copley OH 44282 and William Liber, Vice President of Hahn Homes 2386 Ranford St, NW, North Canton, OH 44720.

Mr. Hahn noted that he learned that the application's lot split will be handled as an administrative action; independent from the rezoning portion of the application. Ms. Macomber reported that Norton's Law Director, Mr. Markey, opined that the lot split is an administrative function and that the Planning Commission is to make a recommendation to Council regarding only the rezoning aspect of the application.

Mr. Hahn described the project as approximately 20 acres that fronts Cleveland-Massillon Road and is about 326' wide and goes back to Cynwood Drive. Currently, it is one parcel zoned R3. They want to rezone approximately six (6) acres to C1 – Commercial and envision two quick service restaurants on Cleveland-Massillon. Behind those restaurants, offices, showroom and warehouses for Hahn Homes. They are looking to establish a permanent home for their business. They would have a vested interest and said they would take care of the property. The back portion of approximately thirteen (13) acres would be rezoned to R-PC – Residential Planned Cluster. This zoning allows for up to ten units per acre, but they are asking for just over two per acre, which allows 30 residential units. They would connect Cynwood and run two private cul-de-sacs, which would be maintained by the Homeowners Association (HOA). Over 60% of the property would remain open space, including the pond and wetlands, over three acres of woods

as well as any woods that go along the property line. These will serve as a buffer. Overall, the development would take up a fraction of the land. The new zoning allows for the yards to be 50 feet closer to the private roads. Hopefully, the end product would not interfere with the existing neighborhoods. There would be a buffer.

Mr. Liber said this is a big deal to them because they have been looking for a home base and they would love to be in Norton. They would be good stewards of the land and plan to use the pond for fishing with their families. They are looking to be good neighbors. Mr. Dowling asked the vision for 30 units. Mr. Hahn said 15 duplex condominiums – ranging in size from 1300 up to 2000 square feet. Most ranches and at the very least, an owner's suite on the main floor. The HOA would cover lawn care and snow removal. They would sell in the \$300,000 to \$375,000 range. Mr. Dowling said these are all owner purchased and occupied and Mr. Hahn concurred. Mr. Dowling asked about city services and Mr. Hahn said the commercial use water will go out to Cleveland-Massillon and the sewer would go out to the manholes on Cynwood. Mr. Dowling said the R-PC has not been used before and asked if there is anything in the area requirements that will require Board of Building and Zoning Appeals (BZA) change. Mr. Hahn said yes, the minimum lot width is 400' and their property is 326' – 330'. Mr. Lada asked why they cannot comply with the R3 zoning and Mr. Hahn said the property is 14' too narrow. The lot on each side of the road is 7' too short to meet the minimum depth from the cul-de-sac. The variance would only give them 18' – 20', which is too small to build on. The rear yard setback is 50' and the front setback from the private road is 25' and that leaves 72' for the depth of the house. The rear yard will still be 50'. Mr. Conklin asked if the Planning Commission should act before the lot split occurred. Mr. Dowling noted that they have to own the property before the lot split. Mr. Hahn said they have it under contract, but do not own it. Mr. Dowling said the owner has a right to develop the property and this plan is the least intrusive. Mr. Liber said they will beautify the land further and accentuate the nature that is there. Mr. Dowling said he has told the neighbors that you are maintaining the woods in the back so there will be a buffer back there. Mr. Hahn said about 400' of woods or the entire width of the property; however, some will have to be cut. Mr. Lada asked about the development plan for the size of the properties. The 30 will be duplex condominiums so they will be on a small footprint: 1300 – 2000 square feet. Mr. Lada said a cluster building with roads fairly straight. There would be two units per condo and each half would be 32' feet wide and 72' deep so the duplex condo will be 64' by 72'. The backyard is limited to the footprint of the building.

Mr. Dowling said the Planning Commission is a recommending board and there is not a requirement to have a public hearing. However, he knows there are many here that have questions and requested that people come to the podium sign in and ask their questions.

Charlotte Whipkey, 624 Park Way Blvd, Norton – Ms. Whipkey said she is here as Council-at-Large and not as a resident. She said their intent is to keep the border trees there, but an intent is just that. She said that this would have to be written in stone based on what is happening now and in the near future. She would like some protection for the residents. She says it seems like a crowded space. Mr. Dowling said this will be two houses next to each other attached by a common wall. Ms. Whipkey said we have enough fast food restaurants and she would like to see a better use of the property. Ms. Whipkey requested a copy of the colorized version. Mr. Dowling said that the developers have to have good faith negotiations. We can rezone it and

then when they come in with the site plan, that's when you can make sure they are doing what they proposed. Ms. Whipkey said she does not have good faith in developers.

Jamie Lukens, 2867 Oakcrest Dr, Norton - Ward 2 Councilman. He has an interest for his constituents and himself. He said there are 60 acres of dedicated open space, 3 acres of woods (which is approximate), and maybe restaurants up front. Mr. Lukens suggested a Chik-fil-A. He is interested in making sure we do what is best for the constituents and the city. He will be here after the meeting if anyone has questions of him. There was discussion about the commercial property options at the front of the property.

Dennis Delnay, 374 Cynwood, Norton. Mr. Delnay said he is all about progress and is good with bringing in revenue but he has water challenges. Any time there is a medium to heavy rain, his property floods. He cannot take on any additional water. His neighbor has the same concern. Mr. Dowling said these things will be developed during the Site Plan Review. Mr. Delnay said there is an existing basin, but it is not effective. Mr. Dowling said they will look at permeable lands and retention basin to address that. Mr. Delnay said he gets the water before it gets to the pond. Mr. Dowling asked if that is from Mount Vernon. Mr. Delnay said yes.

Deborah Pfeiffer, 3764 Golf Course Dr, Norton. Ms. Pfeiffer questioned the zoning being changed prior to the applicant purchasing the property. What happens if the purchase falls through? She questioned why not use Special Planned Development so that the property has to be maintained. If it falls through, and for the sake of the community and the city, why not go in with SPD which would guarantee some things. Mr. Dowling said the SPD would not permit what they are requesting or any residential at all. Mr. Dowling read the definitions of permitted uses of a SPD. Mr. Dowling said it does not recognize residential. Ms. Pfeiffer says her concern is that they come forward with the RPC, but what happens if they back out. It goes before Council and then seven people have to make that decision. If they fail, the next person can come in and put in all ten units allowed by the RPC. Mr. Braman said this is contingent on purchase because only the owner can do the rezoning. Once it is rezoned, then he can do the Site Plan Review. Mr. Hahn said there is a contingency with this and they can make a commitment to saving this many trees or only allowed so many units per acre.

Mr. Cuddy, 3690 Cynwood Dr, Norton. Mr. Cuddy said his side yard runs up this side street. The drainage is a problem. They have a nice tree buffer and when you go to cut the trees down, they will miss the hedge line that all of the neighbors enjoy. The fencing quotes were \$13,000 to \$17,000 to fence his yard. It's nice that you will keep the trees on the east side. He does not know how fast this will progress. As the current occupants, he asked if they will be able to see what is staying and what is not staying. Mr. Dowling said if this is rezoned and approved by Council, he would purchase the property and the developer will do a site plan and address the development issues of water, sewer, streets, etc., which may cost upwards of \$300,000. It will come before the Planning Commission and also Council. Mr. Cuddy is concerned about the natural boundary and they will miss the wildlife. Mr. Dowling noted this will have a better set back than previous plans. Mr. Cuddy said he and the neighbors have been talking about the drainage issues and his house sits 2' higher above others. Mr. Cuddy asked if they will get a notice and Mr. Dowling said yes, plus it will go three readings over six weeks while in Council. Mr. Lada asked if he was on the Southwest side of the property and asked if the neighbors are

getting storm water. Mr. Cuddy said yes. Mr. Dowling said the property is going to include a retention or detention for the water that comes off the property and direct it towards a basin to slow it down. Mr. Cuddy said the current retention basin never fills up. Mr. Dowling said the developer will have to show the City Engineer that he has plans for the runoff water.

Irene Forshey, 2932 Oakcrest, Norton. Ms. Forshey asked if they are taking care of the private roads that are going east/west and said Cynwood will become a throughway. She asked because she said Oakcrest has a blind spot and that could be a high accident area. There are children in the neighborhood and if we open that up, it will be dangerous. Mr. Dowling said at some point in time, there would have been some road and housing in there. Her concern is for the future and if that becomes a throughway, it needs stop signs. Mr. Dowling said the Administration would address that as well as the use of radars signs to note speeds.

Mary Lou Tubin, 2928 Brookfield, Norton. Ms. Tubin is concerned about Cynwood being a through street and the traffic. She said the plans for the duplex, look like they are connected on the long side. The connecting wall is the long part of the building. Mr. Hahn concurred. She wonders what this will look like. She would like to see more plans. Mr. Dowling said he knows that the developer has pictures that look like houses not duplexes. Mr. Hahn showed her an example of what will fit on that lot and gave the Clerk a copy for the minutes.

Diane Breiding, 3007 Pleasant Dr, Norton. Ms. Breiding said she is trying to Google them to see what they build. She asked if Hahn Homes have done multifamily homes. Mr. Hahn said they have only done single family and suggested that she can come and look at the craftsmanship. She indicated that previous builders like those in Mount Vernon made all sorts of promises that never came through.

Mr. Dowling said this is a recommending board to the City Council so they don't actually approve the rezoning. Council will do that and hold a Public Hearing, as well. Mr. Lada said that he has made notes of all of the comments and they are all valid points. The Planning Commission recommends to Council and he looks at the applications and makes sure it complies with the code. He believes the width of the property is something we can overcome. He said the plan for this property is probably the best thing that could come forward. Others have had too many issues to overcome. If they follow through, purchase and develop the way they propose, it would be a win for the residents. Mr. Lada moved to accept PC Application R1-2023.

Mr. Conklin asked if we were approving both rezoning codes and asked if the lot split was included in one motion. Mr. Dowling said it is a Council approval only. Mr. Conklin said we are being asked to act on something that hasn't been done. Mr. Dowling said you can't do them simultaneously because you are in a Catch 22. The lot split will have to take place separately at Summit County. Ms. Whipkey asked how can we have two zonings on one property depending on a lot split. Mr. Braman said that this is contingent on the purchase. The property owner, Mrs. Wrobel, has provided a notarized letter of authorization allowing Mr. Hahn to speak on her behalf. They can't buy the property as it is, because it does not fit the requirement. Once he purchases and the zoning is passed, he has assurance that his project can go forward. Ms. Whipkey said let the owner do the lot split. Mr. Dowling noted this is a Law Director question because you have to take one action before the other. The owner is not interested in doing any

lot splits, etc. Mr. Lukens said this is not a final approval. The Planning Commission is a recommending body and has to determine if it fits zoning. Let it come to Council and they will decide. We are caught in a loop here and we may be over complicating it.

Mr. Dowling said there are properties now that have two zoning codes on them. Mr. Conklin seconded the motion. Mr. Lada noted that Davey Resource Group has provided rezoning descriptions for Area 1 and Area 2 in the application and the recommendation is to follow these letters.

Roll Call: Yes: Lada, Conklin, Dowling, Peterson  
No: None

Motion passed unanimously.

PC Application SPR2-2023:

Brookside Greens – Phase 3 Final Site Plan to Replat sublots 98, 99, 100 and 101 to correct the orientation of the houses.

Daniel Engle, Project Surveyor, 1310 Sharon Copley Rd, Sharon Center OH 44274 - Mr. Engle said that he is the surveyor of record on the project and there was an error on the planning. There were scrivener and drafting errors on the original plat and they are just correcting them at this time. Mr. Engle said sublots 99 and 100 are turning. Mr. Lada asked if the utilities are in and Mr. Engle answered affirmatively. Mr. Conklin moved to accept PC application SPR2-2023 Final Site Plan, seconded by Mr. Peterson.

Roll Call: Yes: Conklin, Peterson, Dowling  
No: Lada

Motion passed: 3 - 1.

**CONSIDERATION OF MINUTES:** Mr. Dowling noted that previous minutes are deferred.

**OLD BUSINESS:** Mixed Use District (MUD) - Mr. Dowling said he has looked at other examples and has found that most MUDs are setup in downtown areas that allow for apartments on the second floor and doctor offices and retail on the ground floor. He said he didn't find anything that compared with the Brookside development. Mr. Dowling said we can work with the new Administrative Officer and see how to move forward. There is no present stipulation that we have to put all of these things in it and there is no restriction in the present MUD from building more houses per acre. Mr. Dowling suggested that Brookside is unique because the situations are mostly where the City wants to rezone a downtown block and that is how they do it. Mr. Dowling said he is going to visit Northfield because he is aware a MUD was proposed but he couldn't find it in their zoning code. Ms. Whipkey said the state codified doesn't have anything to say how many houses on acreage and it is something that, as a municipality, we can determine. Mr. Dowling concurred and said that Council can recommend that to the Planning Commission but this should be confirmed by the Law Director. Mr. Dowling asked about how Brookside qualified as a MUD and Ms. Whipkey said it was because of the rental properties, which they said was commercial. Mr. Dowling said that commercial should be retail or services. Ms. Whipkey said it was an interpretation by the Administration. Mr. Dowling said there has to

be a good faith negotiation and to ensure the site plan has come before the Planning Commission. Again, we are a recommending board to Council. There was discussion regarding the differences of the MUD versus tonight's application for a rezoning to R-PC, along with the upcoming process. Ms. Pfeiffer said that Norton is vulnerable and some people are going out and buying up all these parcels. It used to be that Council developed a plan and now it is like the developers are doing the leading. If the owner of the property on 261 steps forward and says he wants a MUD, he would get what is listed today. Mr. Dowling does not believe that Council will pass another MUD.

Mr. Lada said he made a motion at the last meeting they had, that all five members be present to review the MUD and it was seconded by Mr. Conklin, at that time. Mr. Lada asked this to be included on the Agenda for February 28, 2023. Ms. Macomber discussed the application for the February 28, 2023 meeting. Mr. Conklin requested that all Planning Commission members receive a copy of the most recent MUD legislation.

**ADJOURNMENT:**

With no further business coming before the Planning Commission, the meeting was adjourned at 7:20 p.m.

Respectfully submitted:

\_\_\_\_\_  
Kerry Macomber, Acting Secretary

\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
Ralph Dowling,  
Planning Commission Chairperson

\_\_\_\_\_  
Date