Zoning & Planning Commission Meeting
Monday, January 27, 2020

Call to Order:
Chair Rick Stallard called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call:
Present: Chair Rick Stallard, Mayor Carol Carter, Kevin Nehrenz and Matt Sturgeon
Absent: Jason Page

Mayor Carter made a motion to have Rick Stallard serve as the Zoning & Planning Commission Chairman. Kevin Nehrenz seconded the motion. Aye votes all

Amendments to Agenda:
Mayor Carter made a motion to move application proposed Seville 2018, LLC Development Zoning Permit and Preliminary Site Plan Approval under New Business. Matt Sturgeon seconded the motion. Aye votes all.

Approval of Minutes:
Mayor Carter made a motion to approve the minutes for the November 25, 2019, meeting. Kevin Nehrenz seconded the motion. Two aye votes. Mr. Nehrenz and Mr. Sturgeon abstained. The minutes were approved as written.

Privilege of the Floor:
Mayor Carter took the opportunity to remind residents to make sure their addresses are clearly visible. The Fire Department has signs available for $10.

Zoning Inspector's Report:
Mr. Bittaker said there was no report at this time.

Economic Growth Report:
Chair Stallard said last month's meeting was at the Akron University Center and property development was the topic. The next meeting will be an awards night at The Galaxy in Wadsworth on February 25th.

Comprehensive Development Review Plan Committee:
Mr. Sturgeon said the draft of the Comprehensive Development Review Plan is in final format and ready for public viewing. There was a discussion about how to get notices to the residents to review the plan. Mayor complimented Mr. Sturgeon and his committee for their hard work and dedication.

New Business:

Attorney Benjamin Ockner and partner Majeed Makhlouf represented the Seville 2018, LLC. Mr. Ockner noted that present were Mr. John Fechko, Attorney Marianne Chandler, and Mr. Johnson, the engineer, for the preliminary site plan for the proposal. Mr. Ockner was prepared to address the alleged non-conformances correspondence from Law Director, Ted Lesiak, and correspondence from Mr. Burgoyne of GPD about the preliminary site plan. Mr. Ockner said he does not feel any of the comments warrant disapproval of the preliminary site plan. Mr. Ockner noted after constructive comments and time they made changes to the preliminary plan from roughly 300 single-family units down to 221 single-family units at a density of 3.8 units per acre. Mr. Ockner stated the proposed use of the property is specifically contemplated in the current Comprehensive Development Plan that was in place when the property was purchased. The plan completely complies with the Zoning Code with density of single-family units allowed. Proposed assisted living, which is a conditional use, that they are not prepared to seek at this time. There is a commercial component and a multifamily component proposed on the east side of the property. Access would be on Route 3 and access to the residential portion from Park Ave. West. They are not proposing residential use on either parcel on Park Ave. West. They are both proposed for roads and one had already been approved for road use.

Mr. Ockner said Mr. Lesiak and Mr. Burgoyne had sent the Village a litany of perceived problems with the proposed development and Mr. Ockner would like to explain why they do not think they are problems and do not prohibit or justify a denial of the proposed preliminary site plan. First addressing Mr. Lesiak's letter, Mr. Ockner said the Zoning Code encourages mixed-use, but it does not require it, merely suggested. Mr. Ockner said the plan does comply with Article 10 and Section 611.05 which controls. It also meets the design principles of Section 611.06. Mr. Ockner stated Mr. Lesiak and Mr. Burgoyne were troubled with the use of the word possible with respect of the uses on the east side of the project. That is what they are is possible. When the plan is approved it will morph from possible into a final site plan and ultimately develop. They do not have an end user for the east side of the property so they can not give specifics at this time.

Mr. Ockner said they have a supplemental site plan that shows a walking path from the west side to the east side through the ravine. Mr. Ockner said the supplemental site plan shows the general location of the proposed parking areas in the general location of the proposed uses commercial, assisted living, and multifamily. The single-family residential have been identified with garages and driveways for parking. The single-family residential area will allow parking on one side of the street. Mr. Ockner said with the development of homes their plan will include visual screens with the landscaping plans. According to Mr. Ockner, Mr. Lesiak's concerns for screening applies to the multifamily codes not the single-family. Mr. Ockner respectfully disagrees and said the Zoning Code does simply not require that or prohibit the Zoning and Planning Commission from approving our preliminary site plan as it is presented now. As a result of property rights under the United States and the Ohio Constitution zoning ordinances are allowed but they are not read to benefit the community, they are read to benefit the property owner and when the property owner is denied the use of his property that is when lawsuits get filed. You can not infer or imply limitations into the zoning code that are not specifically in the zoning code.

New Business (continued):

Mr. Ockner referred to Mr. Burgoyne's letter and said a traffic impact study is not required. Mr. Ockner stated they have a wetlands permit. Mr. Ockner stated the plan does not ask for a cluster home development. Mr. Ockner noted the storm water, lighting, and landscaping plans would be in the final site plan. Mr. Ockner states the Village is obligated to update services. Mr. Ockner asked if Mr. Lesiak and Mr. Burgoyne could show him where the proposal falls short. Mr. Immel asked if the supplemental plan had been submitted. Mr. Ockner said no and asked Mr. Johnson to show the supplemental plan he had been using as reference. Mr. Johnson pointed out the public street access, walking trail link, conceptual parking, and the landscape screen on the west side.

Mr. Bittaker, the Zoning Inspector, asked how the density per acre was calculated. The density was based on 57.4 acres. Mr. Bittaker asked how they can plan on 5-foot setbacks that don't comply with residential zoning codes. Mr. Ockner said it follows the mixed-use zoning.

Chair Stallard opened the floor to the residents. The residents expressed concerns regarding the grading of the land without a permit and water problems that have basements flooding and would like to see the drainage plan. There were concerns about being able to service the new area with the Police, Fire and EMS departments and the strain it will put on them. A resident noted the tree line on the preliminary plan is no longer in existence. Concerns were expressed about the short setbacks and lack of parking and the troubles that come with parking on the streets. Concerns about the builder leaving and/or out of money before completing sidewalks and other promises were expressed. A resident was concerned about surrounding property values going down and buffer zones. High traffic volume and businesses with trucks were discussed.

Mr. Burgoyne said the plan does not make provisions to prohibit storm water runoff from leaving the west side property. Chair Stallard said once the property is developed the run off will be directed. Mr. Burgoyne said one of his concerns are to avoid impact on the wetlands, the actual boundaries, and the categorization. Mr. Burgoyne does not see the depicted required 25-foot variance set back for the wetlands in the plan required by the state. Mr. Burgoyne talked about Section 611.06 traffic flow impacts both residential and commercial use, pedestrian crossway, and how open space will be impacted. The utility concern is for the anticipated 400 additional gallons of water increase per day. Without an understanding of the commercial use, the Village does not have a proper way to plan their expansion. Mr. Ockner and Mr. Johnson responded to Mr. Burgoyne's concerns by reviewing the supplemental plan.

Assistant Fire Chief James Carter talked about the safety issues that come with having homes so close together and how quickly they could go up in flames. The closeness will increase the need of water per minute from the fire hydrants. The closeness also effects the property owner's insurance.

A resident reminded everyone the residents' utility rates will raise to cover expansion costs. Tap in fees for the developer were discussed and how they are just a drop in the bucket for the costs of expansion.

New Business (continued):
Mr. Ockner asked if there were any further concerns they could address. Chair Stallard said they would need to sit down with legal counsel with the new information before a vote could be called. Mr. Ockner said he will anticipate a vote at the next meeting in February.

Pending/Completed Legislation:
2019-55 Ordinance amending the Zoning Code Section 1304.01 with regard to the issuance of zoning permits. Second reading was November 12th. Mr. Bittaker asked to have Council table the motion.

2019-59 Ordinance amending the Seville Village Zoning Code Section 710(B)(3) with regard to high rise signs. Request from Jarrett for 365 Center Street. Council passed December 9, 2019.

2019-63 Ordinance approving a lot combination on Village Lots 1046 and 1047. Lots owned by JT Matheny, LLC on Park Ave. West. Council passed January 13, 2020.

2019-64 Ordinance amending the Seville Village Zoning Code Section 808(A) with regard to parking. Second reading was January 13th. Mr. Bittaker explained the code change was to clarify front yard. Kevin Nehrenz made a motion to recommend to Council to pass Ordinance 2019-64. Mayor Carter seconded the motion. Aye votes all.

2019-65 Ordinance to enact Zoning Code Section 147.01 ET AL. with regard to vacant commercial and industrial buildings. Second reading was January 13th. Mr. Bittaker expressed he would talk with the solicitor about changing some of the wording for Ordinance 2019-65. Mayor Carter made a motion to recommend to Council to table Ordinance 2019-65. Matt Sturgeon seconded the motion. Aye votes all.

2020-05 Ordinance to repeal ordinances 2009-59, 2009-60, and 2013-23 as amended and adopting special purpose flood damage reduction regulations. First reading was January 13th. Mr. Burgoyne of GPD explained the Ohio Department of Natural Resources identified Seville as not being up to date with flood plain regulations. The amended language is optional. Mr. Burgoyne said it is in regards to substantial damage and read the optional wording. Mr. Burgoyne summarized if your home is damaged up to 50% of value by flood, FEMA would help and he reviewed the details. Mr. Burgoyne will provide further information before the next meeting so the Commission can make a recommendation.

Old & Pending Business:
No updates for the Historic Application. Looking for community members to get involved.

Privilege of the Floor:
None.

Motion to adjourn by Mayor Carter and seconded by Kevin Nehrenz. All were in favor. The meeting was adjourned at 8:54 p.m.

Respectfully Submitted,

Rick Stallard, Chairman
Zoning & Planning Commission