

Zoning Commission Meeting

ZC-02-20

December 2, 2020

Members/Attendance: X Gene McCullough
X Frank Mazzocca
N/A Frank Prusak
X Bill Gardner
X Paul Sherman
X John Grahovac

Also in attendance: X Bob Monus, Zoning Inspector
X Michele Richards, Recording Secretary

Bill Gardner called the meeting to order at 6:00 p.m.

1st Order of Business:

Frank Mazzocca motioned to approve the minutes of November 4, 2020. Bill Gardner seconded the motion.

Members in agreement: X Frank Mazzocca
X Bill Gardner
X Gene McCullough
X John Grahovac

Motion carried.

Bill Gardner motioned to approve the minutes of November 10, 2020. Frank Mazzocca seconded the motion.

Members in agreement: X Bill Gardner
X Frank Mazzocca
X Gene McCullough
X John Grahovac

Motion carried.

Paul Sherman arrived at this point of the meeting.

2nd Order of Business:

Case ZC-02-20 –This is a formal request by Ron Anderson, owner of Universal Development, to rezone one parcel of land (#39-011-0-001.00-0) from an Agricultural (AG) zoning district to a Residential Planned Unit Development (R-PUD) district in its entirety, to create a condo development. This parcel contains approximately fifteen point nine (15.9) acres in area, and is located approximately 232.6’ east of the Clingan Road-Clingan Trails Blvd. intersection, and situated on the south side of Clingan Trails Blvd. It has a frontage of four hundred twenty-seven point forty-one feet (427.41’) and is known as Great Lot 24. It is located in Mahoning County, Poland Township, Struthers, Ohio.

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Bill Gardner stated that this meeting is to approve the zone change request for Case ZC-02-20, which has also been approved by the Mahoning County Planning Commission. He asked if there were any comments from the public.

An anonymous person from the public asks if this is for the zone change. Bob Monus responds yes, and explains in detail about the zone change and what is taking place.

Bonnie Goricki

5557 Clingan Road

Ed Jeffries (friend/speaks for Bonnie)

Jeffries stated he has issues of concern with traffic problems and water issues. He feels that Poland Township seems to have a precedent that it is a “condo park” starting from Poland High School to Center Street in Struthers everything on the east side that is agricultural land goes condo. Homeowners moved there with the understanding that it is residential and agricultural, and agricultural would probably be rezoned as residential since they are compatible, but that is not the way it is going. The Township allows these entrepreneurs to buy land and if things don’t work out, they want the property owners to change the zoning to turn into a profit another way. He states it is unknown how water problems will be. He makes reference also to a buffer. He feels if the condos are going to be built, there needs to be such a buffer that they are not seen.

Bonnie Goricki stated she purchased her property due to the privacy and woods in the back. She would like to be assured of enough of a buffer so she does not see the condos behind her. She is also concerned of water issues as the neighbors do have a stream between the houses when there is a heavy rain.

Jeffries stated he would like the Board to respect what the homeowners are saying. He feels there is a total disregard to the homeowners. They all have concerns. Paul Sherman asked Jeffries and Goricki if they are aware of the Board having previous meetings on this case. Goricki said she received one notice. Sherman asked if they are aware of the changes made by Universal Development addressing setback, density and positioning of the units. Goricki stated her neighbor next door was aware. Sherman stated there was one neighbor that came to a meeting with a letter signed by five adjoining property owners and their only issue was setback, in which Universal complied to. Sherman explained there will be a 25 foot natural buffer that will be untouched in its natural vegetative state, and an additional 25 foot will be a lawn buffer between the properties on Clingan Road to this development. There will be some type of evergreen vegetation to address the headlight issues to help block and shield the light.

Ron Anderson explained the changes on the drawing.

Sherman stated he understands their concerns. The criteria is pre-existing for the template for the structure of a condo development, which is set by the township standard, as well as at the county level. This development is in compliance with that.

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Sherman asks Bob Monus about the density. Monus stated as far as density, the PUD calls for a minimum of four units per acre. This development is proposing 3 ½ units per acre. This is also the standard for Mahoning County, which has been adopted by Poland Township.

Jeffries stated whatever can be done about the buffer, would be beneficial to the homes that it borders. Sherman asked if the 50 foot buffer behind the property is satisfactory, Jeffries stated no, he thinks it could be more. Mr. Jeffries continues with other dialogue and complaints of the project.

Bob Monus explained what is permitted to be built in that district, and he went on to state that agricultural and residential are synonymous in terms of permitted uses with the land. He stated that the unique thing about a PUD is that you can design it according to your needs. If a regular residential subdivision went in there, there would be a 40 foot setback. Anderson did comply with the requirements that the Board requested. Sherman also explained to Jeffries and Goricki the monetary values of the units that will be behind them. Jeffries stated he does not feel that they are asking for too much as far as the buffer is concerned.

Mike Perrett

5339 Clingan Trails Blvd.

Perrett stated he is lot number 40 and has been there 13 years. Every spring he gets water. There is a creek in the back of his property. He is concerned about getting more water. He has contacted Universal Development before on this issue. There is a retention pond across the street but it doesn't work. He suggested if they would consider combining the houses putting them closer together and put the street on one side, that way everyone would get a bigger buffer and one side would have the street. Sherman stated the original proposal suggested that, but due to density, proportion spacing, and fire safety the Board did not recommend that.

Ron Anderson stated that one of the things he found regarding the water problem is that the contractors turn all of the spouting to the back on the houses on Clingan Trails, which is causing water to get to the lowest lot, so he gets all the water. These improvements that he will make with the new development will stop a lot of that water that is coming to you (Perrett), but it won't stop the water coming down from the spouting that has not been connected to the storm system that was provided. They took a shortcut by not installing them correctly. More discussion ensued and Paul Sherman asked Anderson to provide Perrett his contact information, which he did.

Richard Simerlink

5327 Clingan Trails Blvd.

Simerlink is also concerned about water issues. He explained to Anderson about his water issues and Anderson stated he would look into it.

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Randy Rubesa

5337 Clingan Trails Blvd.

Rubesa stated when he signed his Home Owners Association (HOA) with Universal Development; it said the whole development was single family dwelling only, so he is concerned with having all of the condos. His other concern is the secondary emergency exit - is it going to be used for construction vehicles going through there on Clingan Trails Blvd. making a mess on the street? Paul Sherman replied that it will only be emergency ingress/egress only. Anderson stated they will use the main entrance. Paul Sherman advised Rubesa to take the issue of the HOA with his real estate developer.

John Kerpelis

5325 Clingan Trails Blvd.

Kerpelis stated he has concerns with the gated emergency exit. He asked who will have access to the gate and what it will be used for. He has young children and is concerned. Anderson stated it is a closed gate for the fire department only. It will be a swing gate but it will be chained.

Michael Melia

5571 Clingan Road

Melia stated he is located on lot 18 on Clingan Road. Melia stated when the first phase was put in for Clingan Crossing; it did create substantial water runoff. Anderson stated he will look into it to see if they can help. Anderson stated again that the improvements that will be made will also help this issue.

Gary Angelo

5335 Clingan Trails Blvd.

Angelo is lot numbers 42 and 43. Angelo approached the drawing and pointed out to Anderson where there is water that just sits. He shows location where water channels through from one point to another point.

Paul Sherman asked Anderson if he would be opposed to posting a performance bond relating to storm water retention for a three year period. Anderson stated he would not be opposed to this.

The following motion was made:

Motion

Paul Sherman made a motion in Case ZC-02-20 to approve said plan with the stipulation that Universal Development posts a Performance Bond for water retention/storm water control, for a period of not less than three years during the time of development, and with that addition, recommends approving the plat as it is proposed. Bill Gardner seconded the motion.

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Members in agreement: X Paul Sherman
X Bill Gardner
X Gene McCullough
X Frank Mazzocca
X John Grahovac

Motion carried.

Bill Gardner stated that this will now be forwarded to the Poland Township Trustees for their final approval or rejection.

3rd Order of Business:

Bob Monus stated the next issue for discussion is the Fee Simple lots for Marchionda for the condos at the Tuscany Villas on Dobbins Road. Monus stated that Dominic Marchionda and the residents did sign off on the issue.

Monus stated that he has a proposed Fee Simple Plan for the Tuscany Villas here, and currently they are looking to create Fee Simple lots within the development. Mr. Marchionda, along with the residents, has proposed a new set of plot considerations and they have all signed off on the lots in itself. He is requesting consideration to modify the current P.U.D.

**Dominic Marchionda
7886 Via Atillio**

Marchionda stated that the Villas are currently a Planned Unit Development (PUD), but they found the homes are more like single homes, ranging from 2,000 to 3,100 square feet in size. From a marketing stand point, it serves better for them to be a Fee Simple product for the market place right now. All of the homeowners are in support of this.

**Ken Mineo
4087 Dobbins Road, Unit 9**

Ken Mineo is the President of the Association and is in favor of this and feels it would finish the development.

Paul Sherman asked Ken what the condo fees are. Ken stated \$270 and \$275. Sherman asked what the changes will be to the condo fees. Ken stated none. Sherman asked how many lots are improved and how many are unimproved. Ken stated 15 empty lots and 11 have dwellings. Sherman asked Monus if the street will be Class B. Monus replied yes. Sherman asked Ken if they would continue to take care of the street. Ken replied yes, as they do not expect the Township to take care of it.

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Sherman stated he understands at the development at Five Points the developer went belly up in the recession, and asked the reason for this request and for abandoning a P.U.D. to go with Fee Simple lots. Marchionda stated that lenders are reluctant to fund PUD's. There is a tremendous amount of interest in this and he has been trying to do this for awhile. This will also be builder restricted. Marchionda stated this is the best thing for all involved. The Township will benefit from getting additional residents; and it will increase property values for the homeowners. More dialogue ensued with back and forth discussion.

Sherman asked if any of the existing 11 homeowners are in opposition of this. Ken stated no.

Sherman asked Monus if this was a regular residential development, based on the size of the lots and setbacks, if it would be in compliance with zoning. Monus stated there might be an issue with limited side yard setbacks, but lot wise everything would be consistent with zoning.

Sherman asked going forward, if under the association, the residents will maintain the exterior of the structures? Marchionda stated the homeowners are responsible for the roof and the four walls of their unit, interior and exterior. Ken stated the driveways, shrubs and patios are also the homeowner's responsibility.

Marchionda stated he would never have come before the Board if the residents were not in favor of this agreement. He feels it is right for the homeowner and the community.

After further discussion, the following motion was made:

Motion

Paul Sherman made a motion to approve the fee simple lots for the Tuscan Villas. Frank Mazzocca seconded the motion.

Members in agreement:	X	Paul Sherman
	X	Frank Mazzocca
	X	Gene McCullough
	X	Bill Gardner
	X	John Grahovac

Motion carried.

Meeting adjourned at 7:45 p.m.

Submitted by:

Michele Richards/Recording Secretary

cc: Trustees (3)
Board of Zoning Appeals (6)
Zoning Commission (5)
Paul Canter, Fiscal Officer (1)
File (1)