



# Agenda

- MAYOR PAUL ADAMSON -- WELCOME AND COMMENTS
- PUBLIC HEARING
  - Call to Order, Reading of Public Hearing Notice and Opening Statements -- Chairman Paul Donatelli
  - Zoning Department -- Requirements & Plat Review
  - Applicant -- Preliminary Subdivision Plat Overview
  - Public -- Questions and Comments
  - PZC -- Questions and Comments
  - PZC -- Decision

# Fred R. Guerra, AICP

## Background

- Education
  - B.A. Political Science - Youngstown State University
  - MPA - California State University, Long Beach
- Certification
  - American Institute of Certified Planners, American Planning Association (APA)
- Work History
  - Planner, Ohio Vally Regional Planning Commission
  - Planning Director, Barberton
  - Planning Director, Cuyahoga Falls
  - Part-Time Lecturer, Planning (Geography Dept.) – University of Akron
  - Consultant (part-time)

## Role

- Make sure the process is fair.
- Make sure city codes are followed.
- Explain the complex process and issues.
- Provide interpretation of codes and planning issues.
- Provide guidance to PZC, applicant, and public.



# Application Summary

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## Applicant Summary

- Adkins PLX Holdings LLC has submitted a Preliminary Subdivision Plat application for the Water 9 on Turkeyfoot Lake.
- It includes the development of 73 single-family detached dwellings and 47 single-family attached dwelling units in three phases. The single-family detached lots will be constructed in the first phase and detached single-family dwellings will be developed in the later phases.
- The site is 45.1667 acres and is zoned R-L (Phase 1 and 2) and R-3 (Phase 3).
- The subdivision will utilize Summit County sewers and Aqua Ohio water.

## Snapshot of Potential Economic Benefits

These statistics were generated by an Urban Land Institute Development Impact Preview Computer Model.

- The proposed subdivision, when completed, could be valued at 45 million dollars and add approximately 350 new residents to New Franklin.
- It could also create approximately 61 annual construction jobs with a workforce annual salary of 1.5 million.

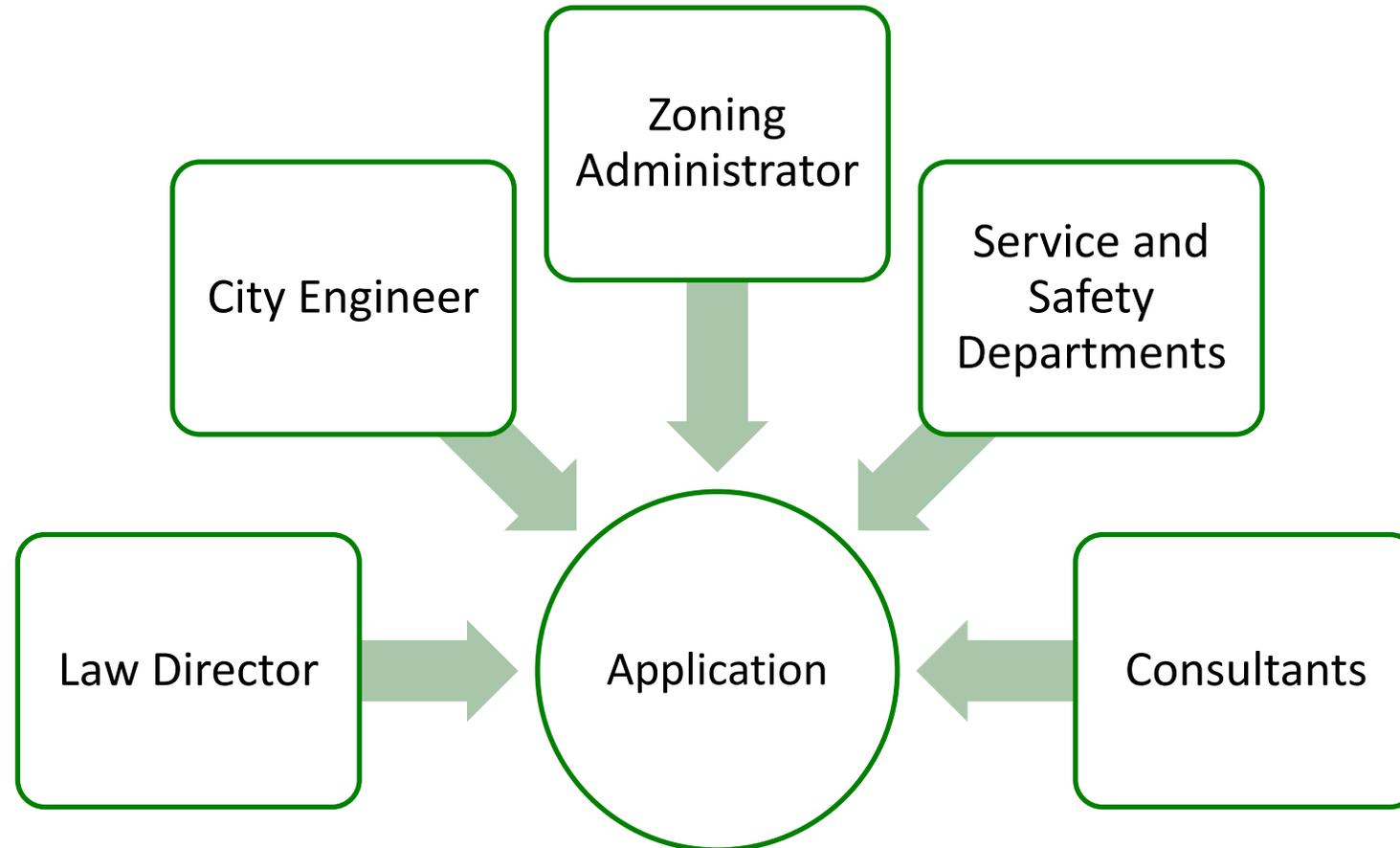
# Decision Process

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- Administrative Review & Analysis
- Application Sequence
- Zoning Code Requirements
- PZC Review & Decision Basis
- Public Participation
- Review Criteria

# Administrative Application Review Process

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# Department Comments (Summary)

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## **Daniel Bickett, Police Chief, Police Department**

- Private alley between Road “C” and Road “D” does not cause an issue with police response, however there are concerns. A private alley will limit authority to act on certain parking issues, because of its narrowness.
- Alleys can also be attractive to criminals due to lack of natural surveillance. Officers and residents would have limited view from surrounding roads if someone was out of place.

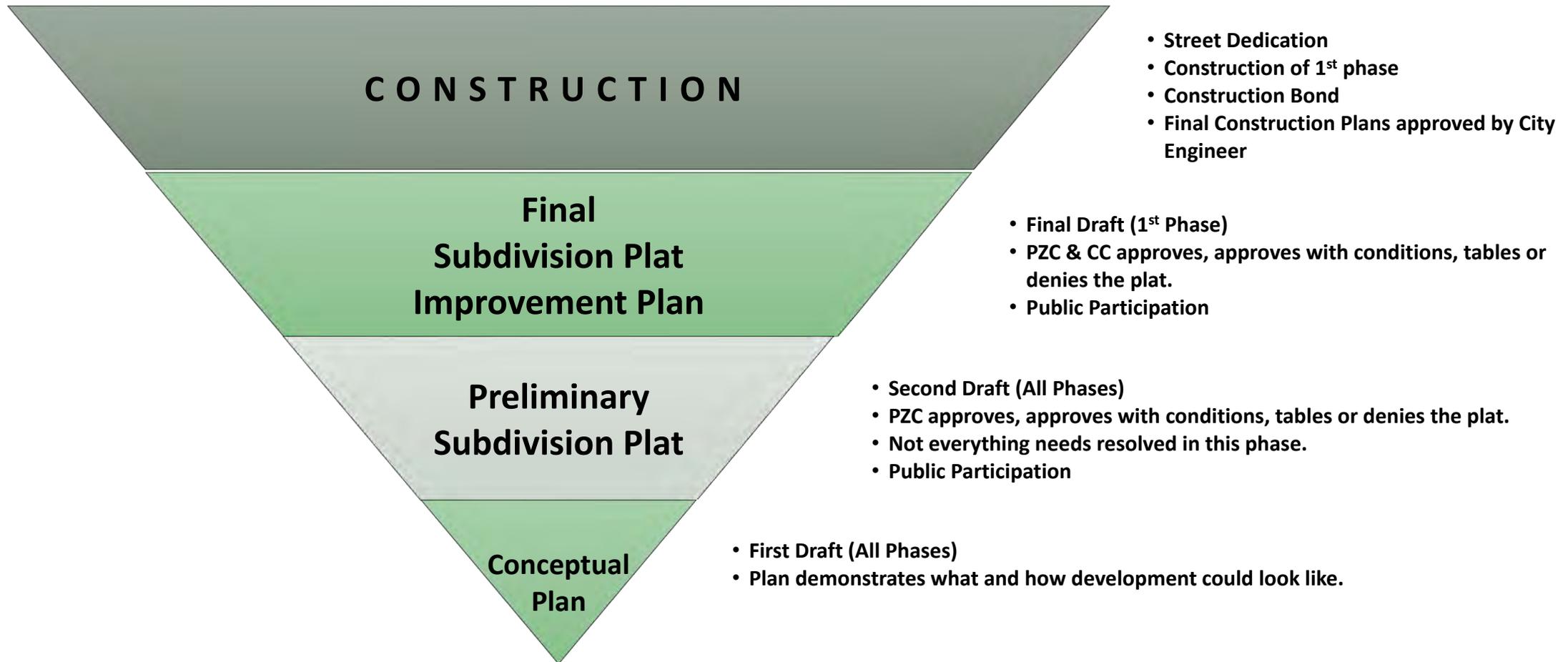
## **Steve Leslie, Fire Chief, Fire Department**

- A private alley between Road “C” and Road “D” could hamper the Fire Department if it is not maintained properly and snow is not removed in the winter months.
- Unrestricted vehicular parking could also limit EMS and fire emergency vehicles. Also, access to fire hydrants could occur without city parking controls.

## **Bryan Kepler, Deputy Service Director**

- Inclement Weather: The alley is a private drive required to be maintained by the HOA including the removal of ice and snow. The City Service Department will be responsible for the maintenance of all main roadways within the allotment, however, the driveways off the alley have the potential to be blocked if snow is not removed in a timely manner. This poses a problem out of our control and responsibility. In addition to frustration, the lack of timely snow removal can lead to safety concerns for residents leaving, and incoming emergency crews. The cost associated with maintaining this alley will be higher for the residents paying into the HOA maintenance fees. Unnecessary costs will also be incurred by the developer for materials constructing this additional roadway.
- Sight Distance: Due to the placement of the alley, homes will be situated closer to the main allotment road, which historically leads to the planting of bushes and trees along the outer edge of the property for backyard privacy. The overgrowth of these bushes and plants will restrict the visibility when turning onto these roads, also requiring additional maintenance in the road right-of-way.

# Subdivision Plat Application Sequence



# Planning and Zoning Commission Decision Basis

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## Zoning Code

- Comply
- Do Not Comply
- PZC Minor Setback or Lot Dimension Modification Waiver
- BZA Variance

**APPLICATION**

## Subdivision Requirements

- Comply
- Do Not Comply
- PZC Infrastructure Modification Waiver
- City Engineer

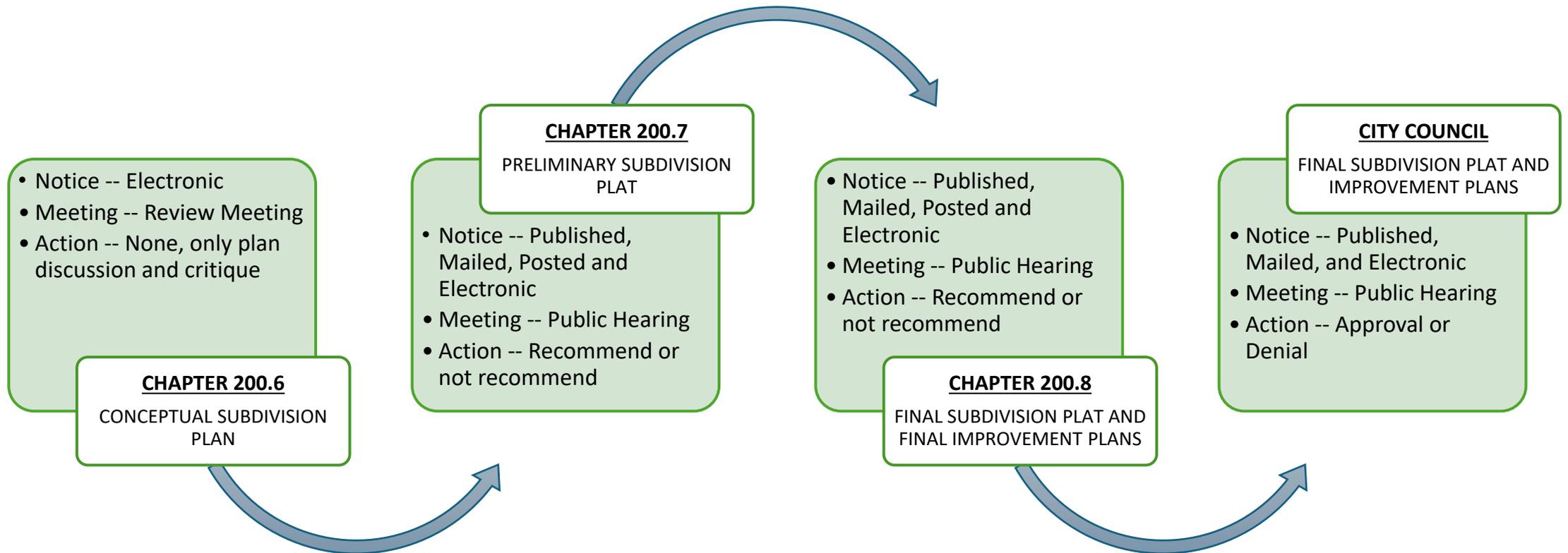
# Chapter 200.7 (F)(2) Decision Process

## Planning and Zoning Commission Action

- Recommend approval.
- Recommend denial.
- Recommend approval, subject to specific conditions which must be satisfied.
- Continue consideration of the application to the next scheduled meeting based on a need for further study or consideration of specific issues. No application shall be continued by the Planning and Zoning Commission more than once, nor more than 60 days from the original public hearing date but subject to any reasonable delays. If the issue is continued after the original public hearing date no new published notice is necessary for the continued hearing, however posted notice shall remain in place through the conclusion of the continued hearing.

# Zoning Code

## Subdivision Plat Process (Public Participation)



# Review and Analysis

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- Zoning Code
- Subdivision Regulations
- Water 9 At Turkeyfoot Lake Preliminary Subdivision

# Chapter 200.7 (C) Preliminary Subdivision Plat Review Criteria

- 1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?
- 2) Are any phasing of a subdivision plat clearly indicated and demonstrates a logical and well-planned subdivision? This may include consideration of amenities and public facilities of the subdivision within each phase compared to the anticipated timing or the likelihood of future phases not being constructed.
- 3) Does the proposed land division comply with the general development patterns and character of the area in which it is located?
- 4) Is the proposed land division in the interest of public health, safety, and welfare?
- 5) Do all parcels, including any proposed development, conform with zoning requirements, or where an alternative zoning is proposed in association with the preliminary plat, conform with the standards of the proposed zoning?
- 6) Does the application conform with all land division regulations?
- 7) Are there any impacts that need mitigated, as identified in specific studies or technical reports that were prepared or requested to be prepared in association with the application?



- 1) Is the request harmonious with and in accordance with the Comprehensive Plan or specific area plan goals?

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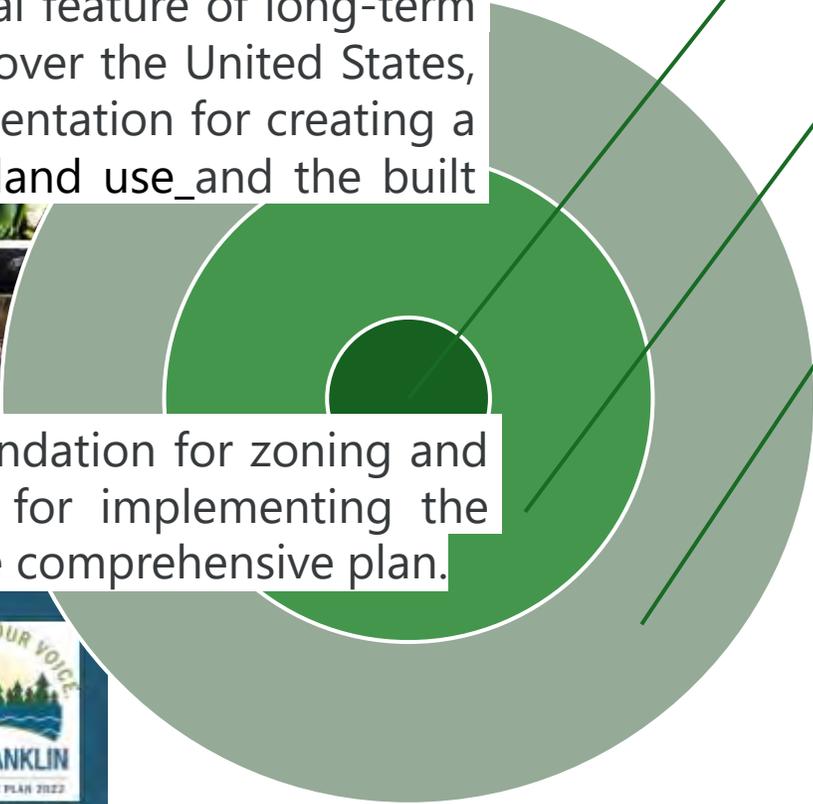
*The comprehensive plan's implementation chapter includes senior housing, walkable neighborhoods, appropriate single-family homes, low maintenance housing, and water/sewer advancement.*



A comprehensive plan is an essential feature of long-term planning for cities and counties all over the United States, as both the process and the documentation for creating a broad, long-term vision for future land use and the built environment of communities.



A comprehensive plan lays the foundation for zoning and subdivision codes, the legal tool for implementing the vision of the future contained in the comprehensive plan.



Subdivision Regulations

Zoning Code

Comprehensive Plan

City of New Franklin

# COMPREHENSIVE PLAN

October 2023



### Core Principles of Smart Growth include:

1. Efficient use of land and infrastructure
2. Creation and/or enhancement of economic value
3. A greater mix of uses and housing choices
4. Neighborhoods and communities focused on human-scale, mixed-use centers

#### Future Land Use

- Keep greenspace at the golf course, no high density housing

### Goals

- Develop a Town Center
- Preserve Green Space
- Preserve Agricultural Land
- Protect Historical Areas
- Protect Wetlands
- Enhance/Expand Light Industrial Uses
- Enhance Single Family Residential
- Buffers between Industrial and Residential
- Limit Commercial to Manchester Road



## CHAPTER 6: IMPLEMENTATION

Plans are only good unless they immediately degenerate into habit.

Peter Drucker

Current & Future Land Use	Where Heard	Time Frame	Responsible Party	Where Located/What Look Like	Potential Funding
Plan for low maintenance residential units appropriate for aging population	Public Visioning Survey Workshop #1	Short- Mid-Term	City Private Property Owner Private Developer	-Walkable, near commercial, recreational uses -Not high-density senior housing -Updated zoning code to dictate senior housing	N/A
Work towards filling vacant properties (commercial, industrial, residential) or underutilized properties	Public Visioning Survey Workshop #1	Short-Mid-Term	Private Developers City Building Owners	-City-wide -No vacant houses -No vacant buildings -Map out vacant underutilized buildings -Form a committee on bringing buildings back into use	N/A

Housing	Where Heard	Time Frame	Responsible Party	Where Located/What Look Like	Potential Funding
Support development of single-family homes ensuring any development completed takes into account environmentally sensitive areas	Public Visioning Public Vision Cards Survey Workshop #1	Short-Term	City Landowners Private Developers Real Estate Agents	-Entire city -Larger acreage lots -Owner-occupied -Variety of housing options/prices (for younger people) -Some planned, smaller lot neighborhoods -Blended neighborhoods with smaller and larger homes -Neighborhood specific or property size inclusions	N/A
Support thoughtfully designed housing	Public Visioning Workshop #1 Workshop #2	Short Term	City Planning Commission Real Estate Agents Private Developers	-Ward 1 (Renninger, Pin Oak) -On school property behind Manchester Admin Building -Develop 93 corridor with water/sewer -By Nimsila -Near entertainment district, park district -Zone R-1 where currently commercial at NE Border of NF, south of Turkey Foot Road S -Environmentally sensitive development -Determine need, assist developers with marketing/research -Slow, sustainable, and calculated -Maintain nature of community -Impact studies for development, environmental issues -Through zoning code	CRA
Support the development of senior housing	Public Vision Cards Survey Workshop #1 Workshop #2	Short-Mid Term	City	-Near any type of proposed town center/community center -Through zoning code -Near any type of proposed town center/community center -Rt 93 -Existing empty lots -Utilize retiring school properties -Specific types could include assisted living, nursing home, owner-occupied senior housing/condo, luxury independent living apts, rented independent living, apts, and rented single residence/condo -New small, owned properties (like tiny homes) to age in place	N/A

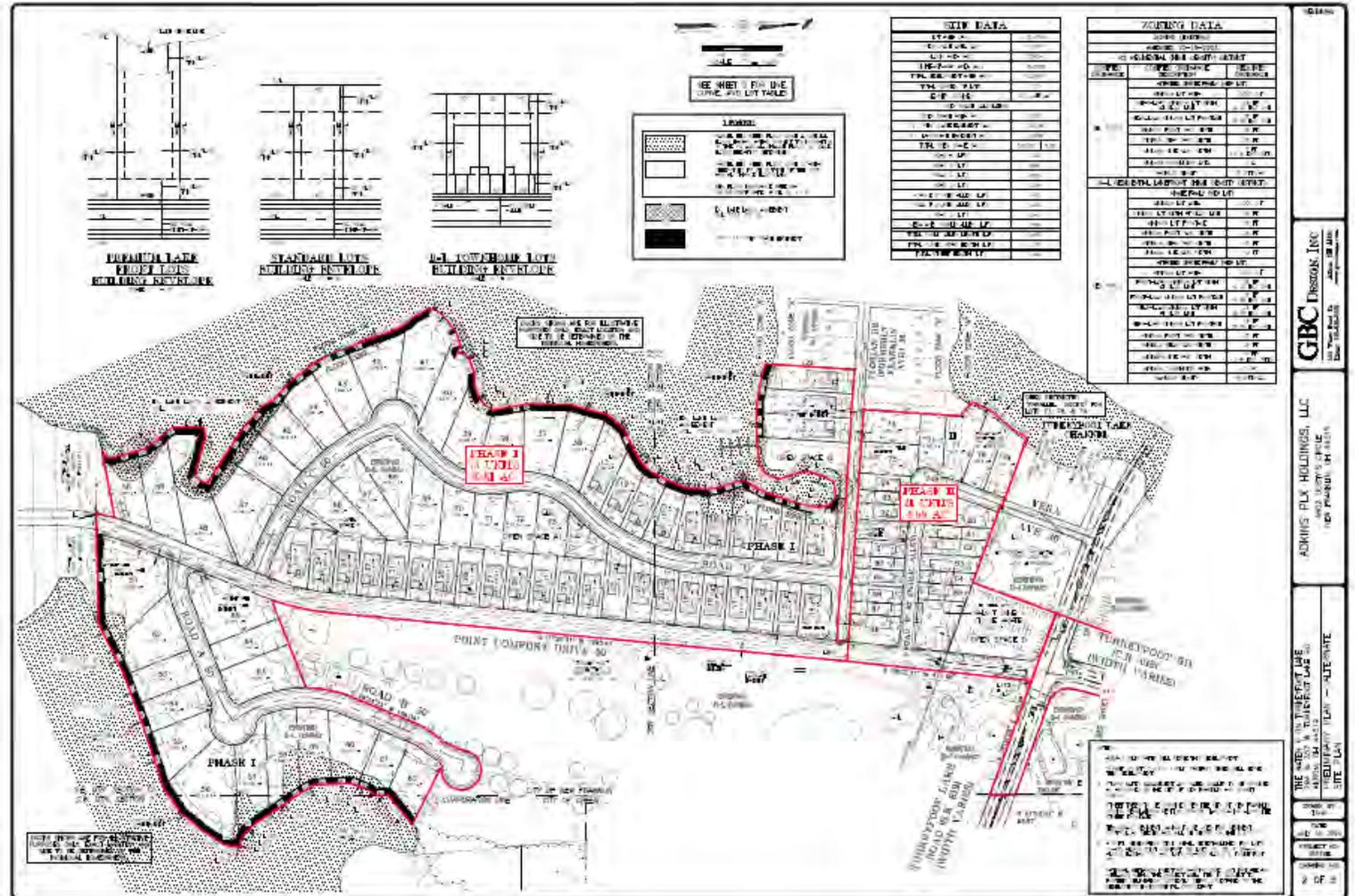


- 2) Is any phasing of a subdivision plat clearly indicated and demonstrates a logical and well-planned subdivision? This may include consideration of amenities and public facilities of the subdivision within each phase compared to the anticipated timing or the likelihood of future phases not being constructed?

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***The preliminary subdivision application indicates that there will be 3 phases. The development of all phases could take 5 years or longer. Public utilities will be available for all phases.***

# Phase 1 & Phase 2





3) Does the proposed land division comply with the general development patterns and character of the area in which it is located?

- *The existing general development pattern is a mix of smaller lot and median size lots, with a sprinkling of larger lots (through mostly lot consolidation).*
- *Existing homes in the general area range from smaller ranches, and cottages to larger 2-story homes. All are detached single-family dwellings.*
- *The proposed subdivision is zoned R-L and R-3 which is defined in the zoning code as high-density districts which allows for detached single-family, attached single-family, two-family and multi-family dwellings.*

# Water 9 on Turkeyfoot Lake (Lot Sizes & Density)

	Phase 1	Phase 2	Phase 3	Total
Lots	73	21	26	120
Average SF	14,176	7,382	4,247	8,602
Median SF	13,421	5,770	4,319	5,770
Smallest SF	8,432	4,388	3,558	3,558
Largest SF	32,229	14,018	5,198	32,229
Acreage	30.81	5.98	8.38	45.17
Density (Dwellings)	2.37	3.51	3.10	2.66

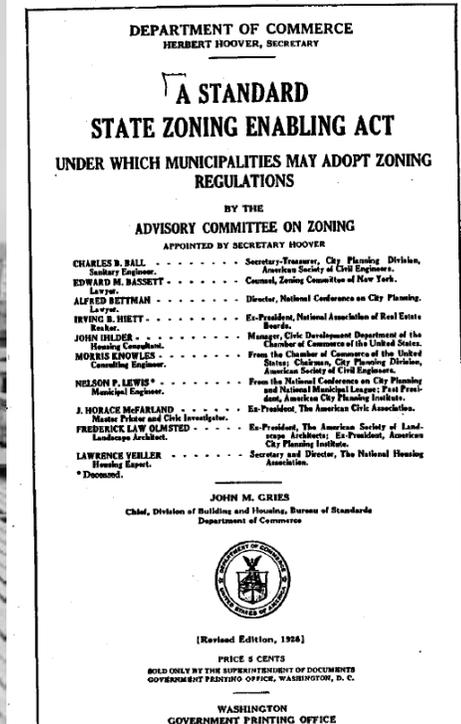
# Water 9 on Turkeyfoot Lake (Lot Sizes & Density) Versus Nearby Neighborhoods

(Source: Summit County Auditor)

	Water 9 (Phase 1)	Water 9 (Phase 1 & 2)	Water 9 (all)	Point Comfort	Florian Wilmar
Lots	73	94	120	43 (55)	16 (19)
Average SF	14,176	10,779	8,602	14,218	9,331
Median SF	13,421	9,596	5,770	13,487	8,494
Smallest SF	8,432	4,388	3,558	6,755	4,792
Largest SF	32,229	32,229	32,229	34,316	15,381
Acres	30.81	36.79	45.17	16.4	3.78
Density (Dwelling)	2.36	2.56	2.66	2.62	4.23

4) Is the proposed land division in the interest of public health, safety, and welfare?

- **Zoning and subdivision regulation provides the basis to meet public health, safety and welfare standards.**
- **The new subdivision will advance public health, safety, and welfare by following zoning and subdivision standards.**
  - **It will also extend public utilities, provide an approved stormwater management system, construct new permanent streets and sidewalks, upgrade two existing streets, and construct new housing for young couples, families and seniors.**
  - **The subdivision would also provide tax dollars and economic growth to the City.**





- 5) Do all parcels, including any proposed development, conform with zoning requirements, or where an alternative zoning is proposed in association with the preliminary plat, conform with the standards of the proposed zoning?

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***The proposed parcels and building setbacks conform to zoning regulations.***

# Zoning Code

## Article 4

### ESTABLISHMENT OF ZONING DISTRICTS

**(D) R-3 Residential (High Density) District.** This district has been established to encourage single-family, **attached single-family**, two-family, and multi-family development at high densities. These regulations are intended to restrict the overcrowding of land and to encourage the provision of urban amenities in areas offering unique regional transportation, recreational, and/or scenic advantages, and in areas where centralized water and sewer facilities exist or can be provided as projects are developed.

**(E) R-L Residential Lakefront (High Density) District.** This district has been established to accommodate **detached single-family and attached single-family dwellings** next to, or near the Portage Lakes. The stipulated densities are intended to maintain the suburban lakefront character of the community.

## Article 5

### PERMITTED & CONDITIONAL USE PERMITS

LAND USE CATEGORIES	C-D	R-1	R-2	R-3	R-L	B-1	B-2	I-1	I-2
<b>Residential Uses:</b>									
<b>Single-family dwelling (S-F)</b>	P	P	P	P	P	P			
<b>Attached single-family (AS-F)</b>				P	P				

# Zoning Code

## Article 6 Development Standards

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### Detached Single-Family (New Lots)

- Lot must be at least 7,000 square feet.
- Must be at least 55 feet wide.
- Front building setback must be at least 25 feet.
- Rear building setback must be at least 35 feet.
- Side yard setback must be at least 10 feet.
- Maximum building height is 35 feet.
- Rear ground level decks averaging 2 feet from ground are allowed to extend 10 feet beyond rear setbacks. Decks shall be unenclosed with no roofs. Railings shall have an opacity no greater than 40%. (Opacity is the “solid space “as a percentage of the total surface.)

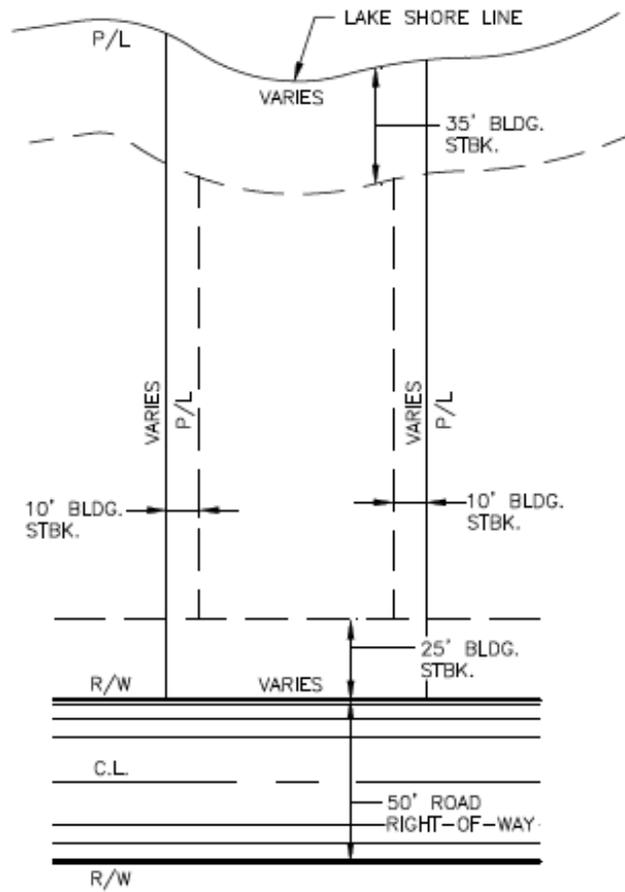
### Attached Single-Family

- Lot must be at least 3,500 square feet.
- Minimum lot width is 28 feet and 38 feet for end units.
- Front building setback must be at least 25 feet.
- Rear building setback must be at least 25 feet.
- Side yard setback must be at least 10 feet.
- Maximum building height is 35 feet.
- Attached single-family (AS-F) lots must be in new subdivisions five (5) acres or greater and in combination with S-F lots. Overall subdivision density, with AS-F lots, must not exceed 8 units per acre. Mixture and grouping of S-F and AS-F lots will be established during the subdivision application process by the Planning and Zoning Commission.
- AS-F dwellings with street-facing (front-loaded) garages must be at least of 32-foot-wide for interior lots and 42-foot-wide lot for end lots. Two--car garages are required.

# Subdivision Plat Zoning Data

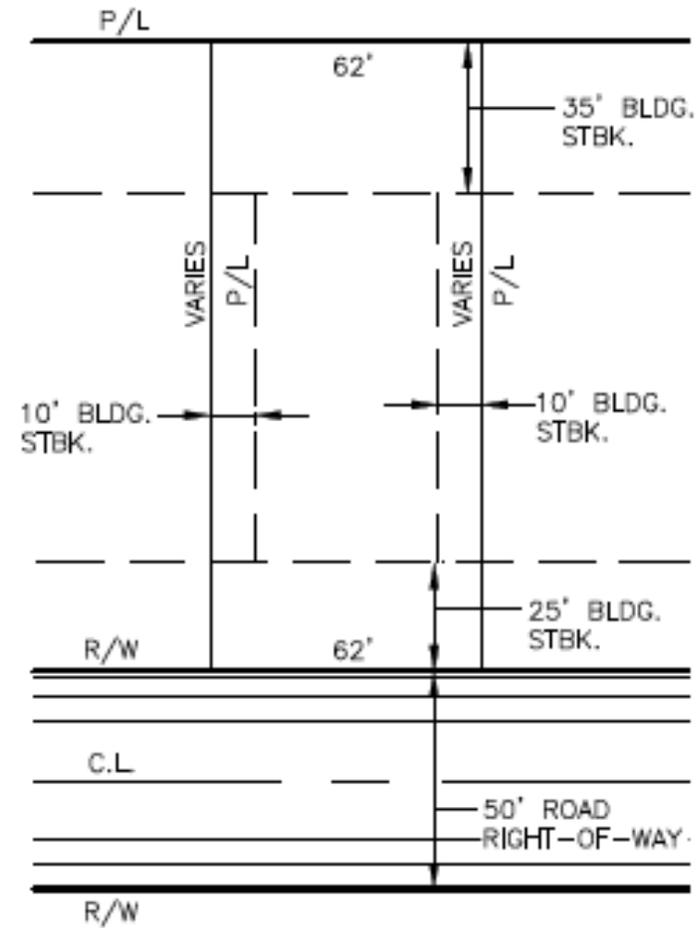


ZONING DATA		
ZONING (EXISTING)		
AMENDED 10-18-2023		
R3 RESIDENTIAL (HIGH DENSITY) DISTRICT		
CODIFIED ORDINANCE	CODIFIED ORDINANCE DESCRIPTION	REQUIRED ORDINANCE
SEC. 600.02	ATTACHED SINGLE FAMILY (NEW LOT)	
	MINIMUM LOT AREA	3,500 S.F.
	REAR-LOAD MINIMUM LOT WIDTH AT BLDG. LINE	28 LF. 38 @ END UNIT
	REAR-LOAD MINIMUM LOT FRONTAGE	28 LF. 38 @ END UNIT
	MINIMUM FRONT YARD DEPTH	25 FT.
	MINIMUM REAR YARD DEPTH	25 FT.
	MINIMUM SIDE YARD DEPTH	0 FT. 10 @ END UNITS
	MINIMUM SUBDIVISION AREA	5 AC.
	MAXIMUM DENSITY	8 UNITS/AC.
SEC. 600.02	R-L RESIDENTIAL LAKEFRONT (HIGH DENSITY DISTRICT)	
	SINGLE FAMILY (NEW LOT)	
	MINIMUM LOT AREA	7,000 S.F.
	MINIMUM LOT WIDTH AT BLDG. LINE	55 FT.
	MINIMUM LOT FRONTAGE	55 FT.
	MINIMUM FRONT YARD DEPTH	25 FT.
	MINIMUM REAR YARD DEPTH	35 FT.
	MINIMUM SIDE YARD DEPTH	10 FT.
	ATTACHED SINGLE FAMILY (NEW LOT)	
	MINIMUM LOT AREA	3,500 S.F.
	FRONT-LOAD MINIMUM LOT WIDTH AT BLDG. LINE	32 LF. 42 @ END UNIT
	FRONT-LOAD MINIMUM LOT FRONTAGE	32 LF. 42 @ END UNIT
	REAR-LOAD MINIMUM LOT WIDTH AT BLDG. LINE	28 LF. 38 @ END UNIT
	REAR-LOAD MINIMUM LOT FRONTAGE	28 LF. 38 @ END UNIT
	MINIMUM FRONT YARD DEPTH	25 FT.
MINIMUM REAR YARD DEPTH	25 FT.	
MINIMUM SIDE YARD DEPTH	0 FT. 10 @ END UNITS	
MINIMUM SUBDIVISION AREA	5 AC.	
	MAXIMUM DENSITY	8 UNITS/AC.



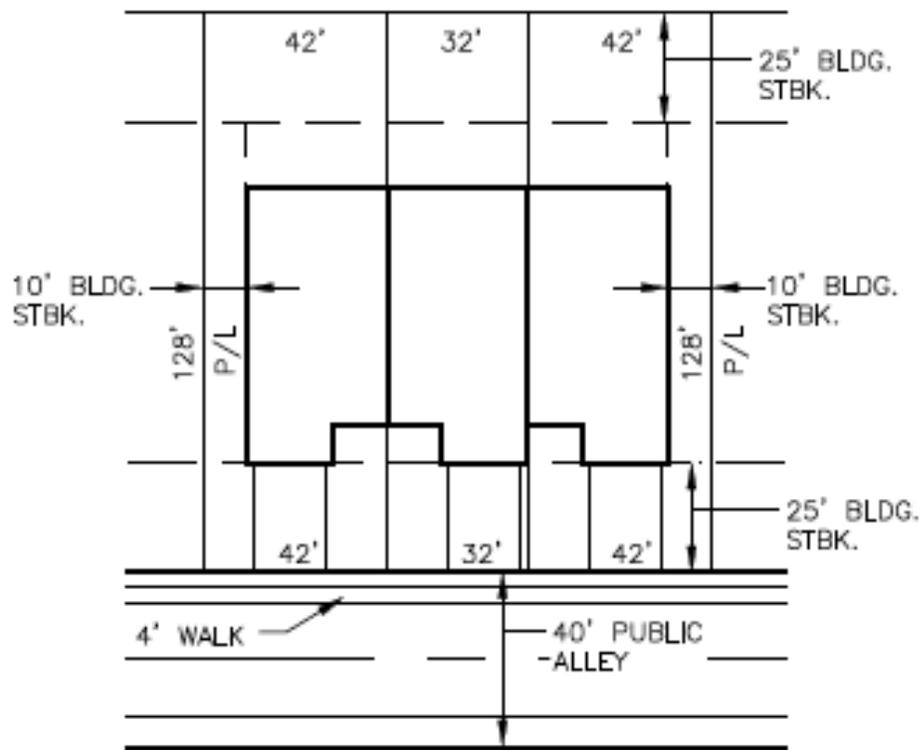
**PREMIUM LAKE  
FRONT LOTS  
BUILDING ENVELOPE**

SCALE: 1" = 50'



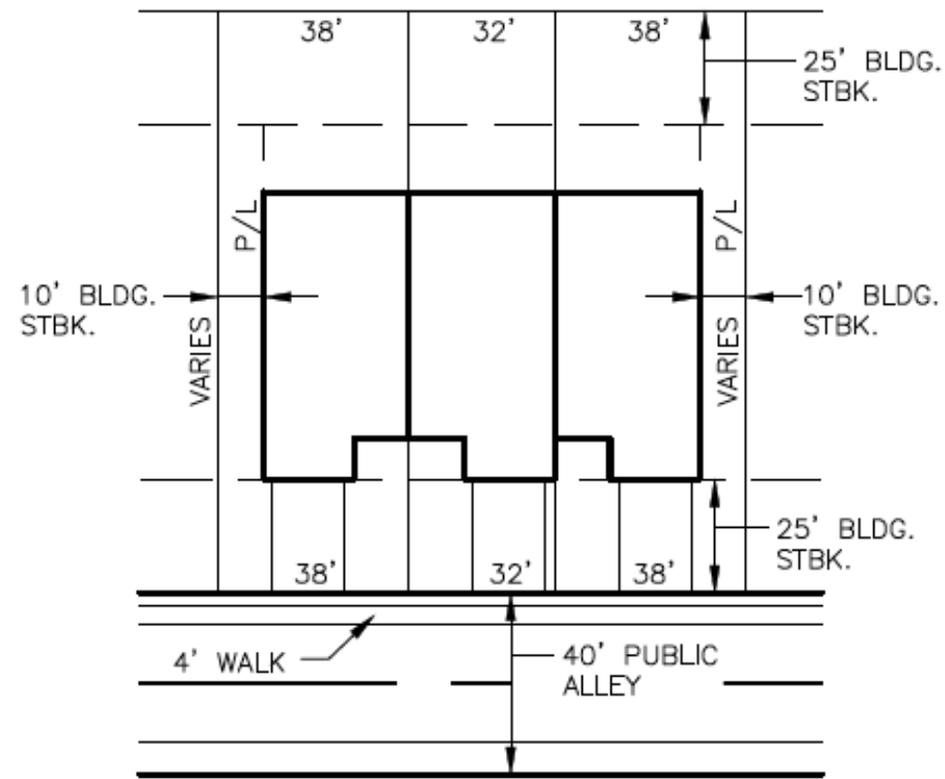
**STANDARD LOTS  
BUILDING ENVELOPE**

SCALE: 1" = 50'



## R-L TOWNHOME LOTS BUILDING ENVELOPE

SCALE: 1" = 50'



## R-3 TOWNHOME LOTS BUILDING ENVELOPE

SCALE: 1" = 50'

6) Does the application conform with all land division (Summit County Subdivision Regulations) regulations?

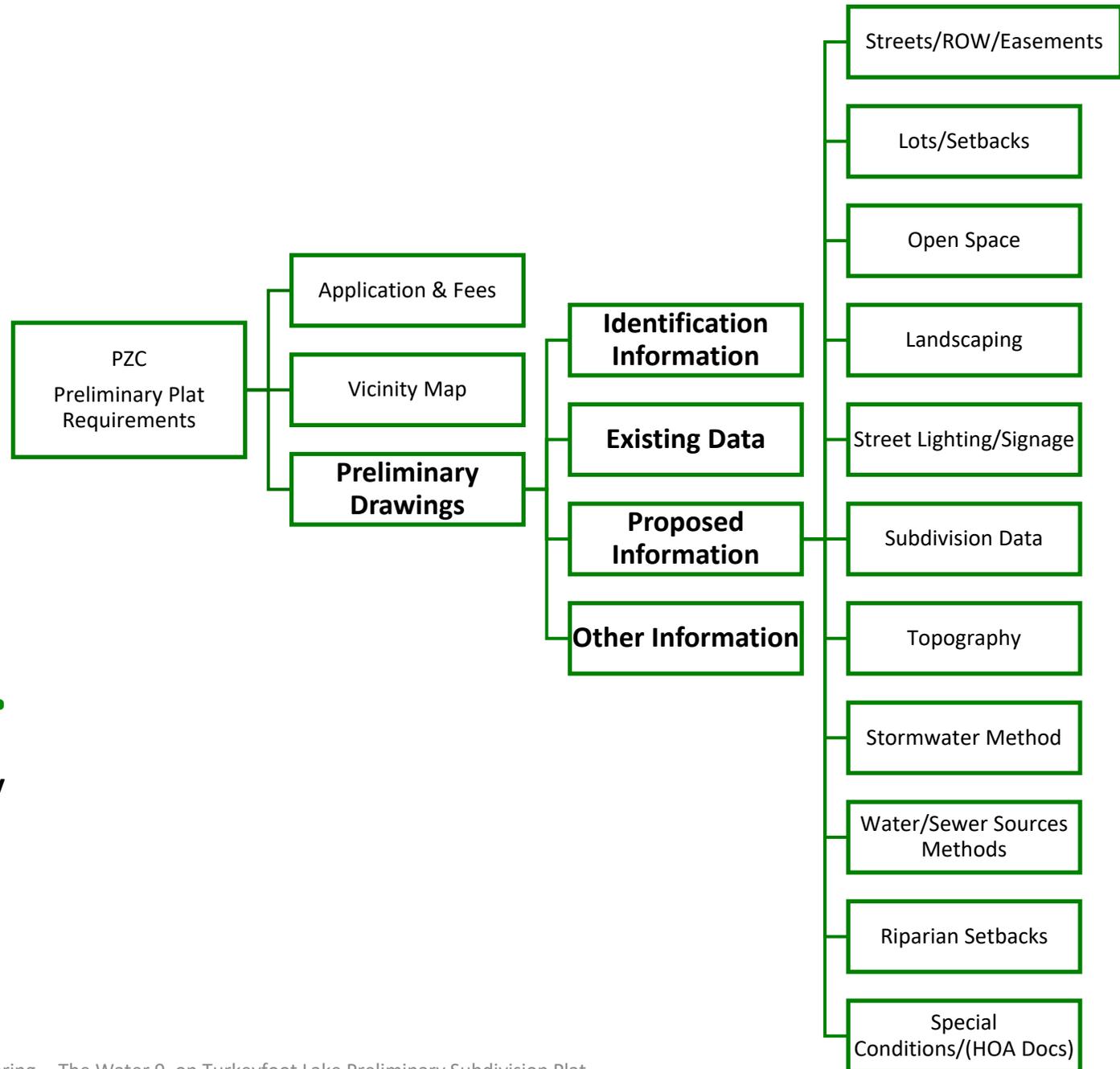
*The following Summit County Subdivision Regulations chapters were used to analyze the preliminary subdivision plat application:*

- *Section 1104.04 Preliminary Plan*
- *Chapter 1105 Design Standards*
- *Chapter 1106 Environmental and Landscape Design*
- *Chapter 1108 Street Design and Construction Standards*
- *Chapter 1109 Utility Design and Construction Standards*



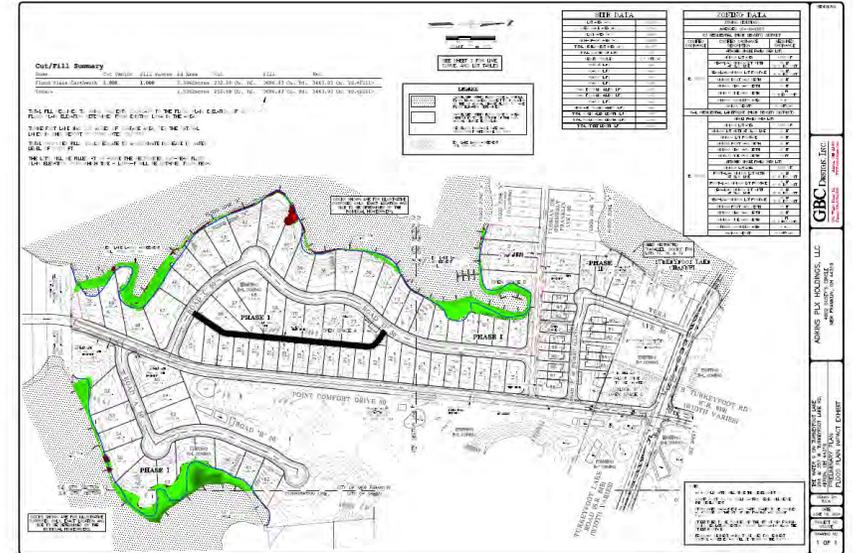
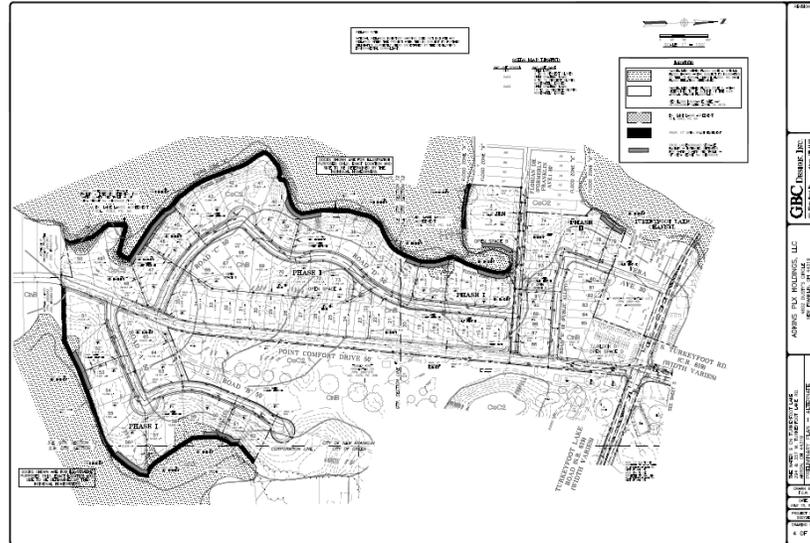
# Subdivision Regulations

## Section 1104.04 Preliminary Plan (Plat)





SITE DATA	
LOT AREA (AC.)	30.1293
OPEN SPACE AREA (AC.)	1.8561
BLOCK AREA (AC.)	2.2824
RIGHT-OF-WAY AREA (AC.)	10.8999
TOTAL DEVELOPMENT AREA (AC.)	45.1677
TOTAL NUMBER OF LOTS	120
DENSITY PROVIDED	2.7 UNITS/AC.
OPEN SPACE CALCULATION	
OPEN SPACE AREA (AC.)	1.8561
17' OPEN SPACE EASEMENT (AC.)	1.6146
10' LANDSCAPE EASEMENT (AC.)	0.1296
TOTAL OPEN SPACE (AC.)	3.6003 8.0%
ROAD A (L.F.)	460
ROAD B (L.F.)	654
ROAD C (L.F.)	553
ROAD D (L.F.)	1,255
ROAD E (PUBLIC ALLEY) (L.F.)	440
ROAD F (PUBLIC ALLEY) (L.F.)	1,253
ROAD G (L.F.)	240
VERA AVE. (PUBLIC ALLEY) (L.F.)	199
TOTAL PUBLIC ALLEY LENGTH (L.F.)	1,892
TOTAL PUBLIC ROAD LENGTH (L.F.)	3,162
TOTAL STREET LENGTH (L.F.)	5,054



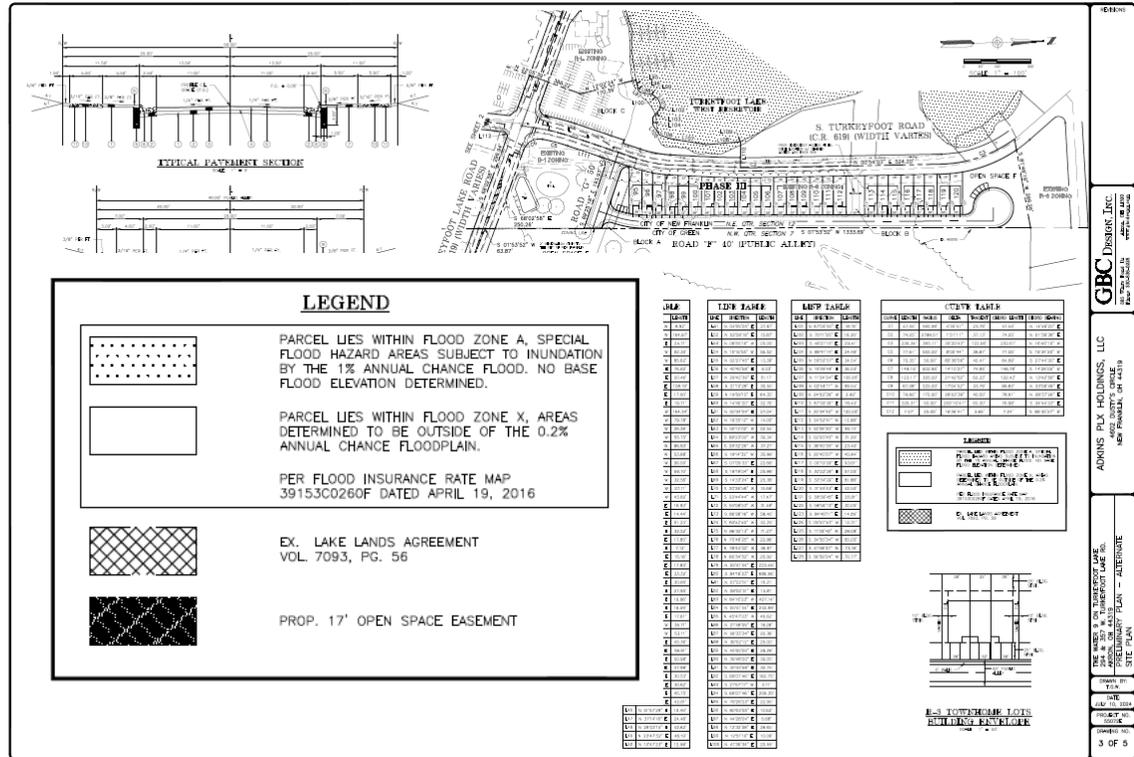
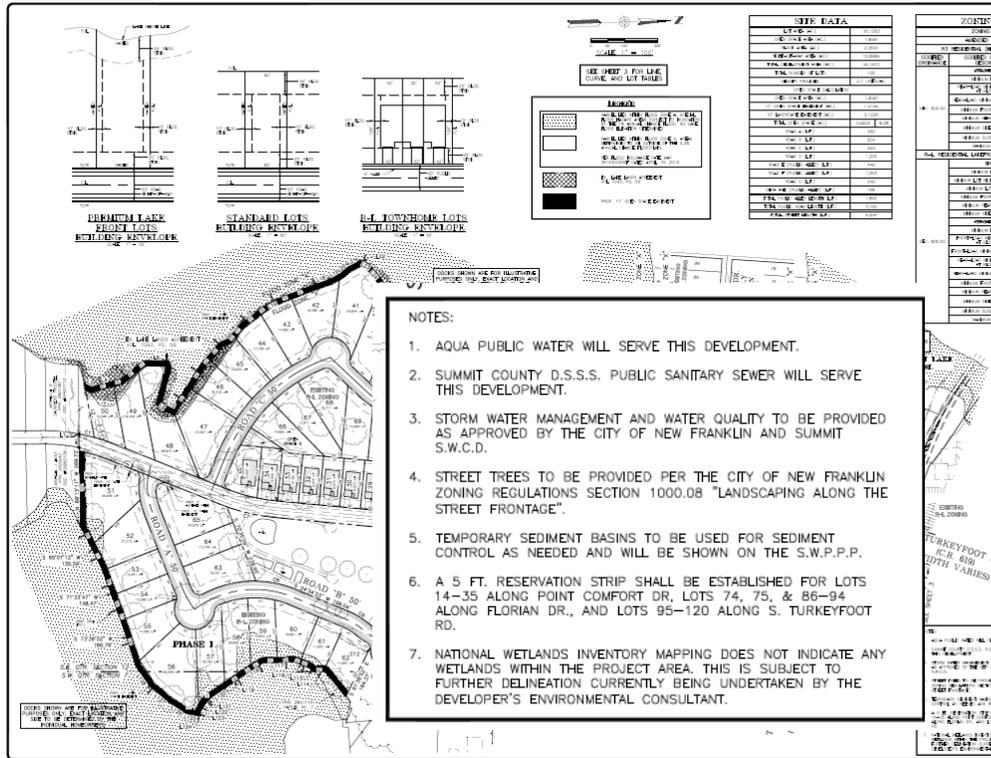
# Existing Data



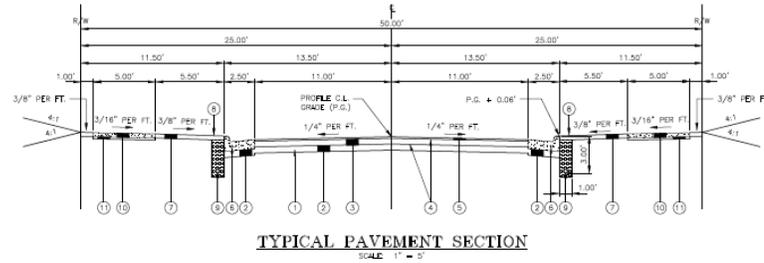


# Proposed Information

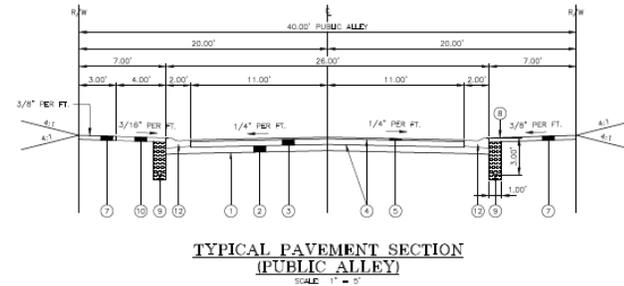
# Site Plan



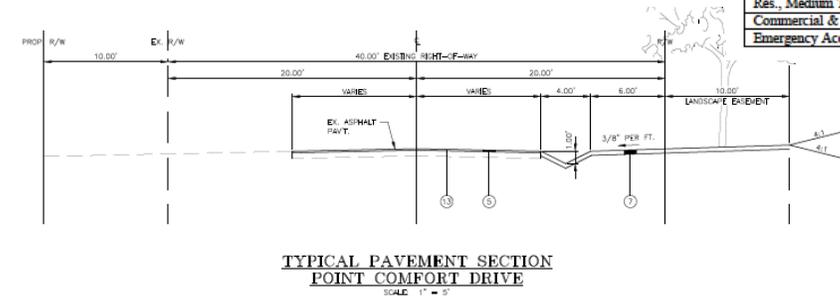
# Street Standards (ROW, Widths, Sidewalks)



SEE SHEET 1D



CLASSIFICATION	MINIMUM RIGHT OF WAY + WIDTH (FEET)	PAVEMENT WIDTH (FEET)		GRADE		POSTED SPEED (MPH)	MAXIMUM DESIGN SPEED (MPH)	MINIMUM CENTERLINE RADIUS (FEET)
		CURB	NO CURB	MAX.	MIN.			
ARTERIAL STREET	80'	28'	24'	6%	0.5%	55	60	1200'
COLLECTOR STREET								
Commercial & Industrial	70'	30'	26'	6%	0.5%	45 35	50 40	800' 500'
Residential	60'	28'	24'	8%	0.5%	45 35	50 40	800' 500'
LOCAL								
Residential, Light Traffic	50'	24'	22'	10%	0.5%	25	30	250'
Res., Medium Traffic	50'	26'	24'	8%	0.5%	25	30	250'
Commercial & Industrial	60'	30'	26'	6%	0.5%	25	30	250'
Emergency Access	40'	20'	18'	15%	0.5%	--	25	150'



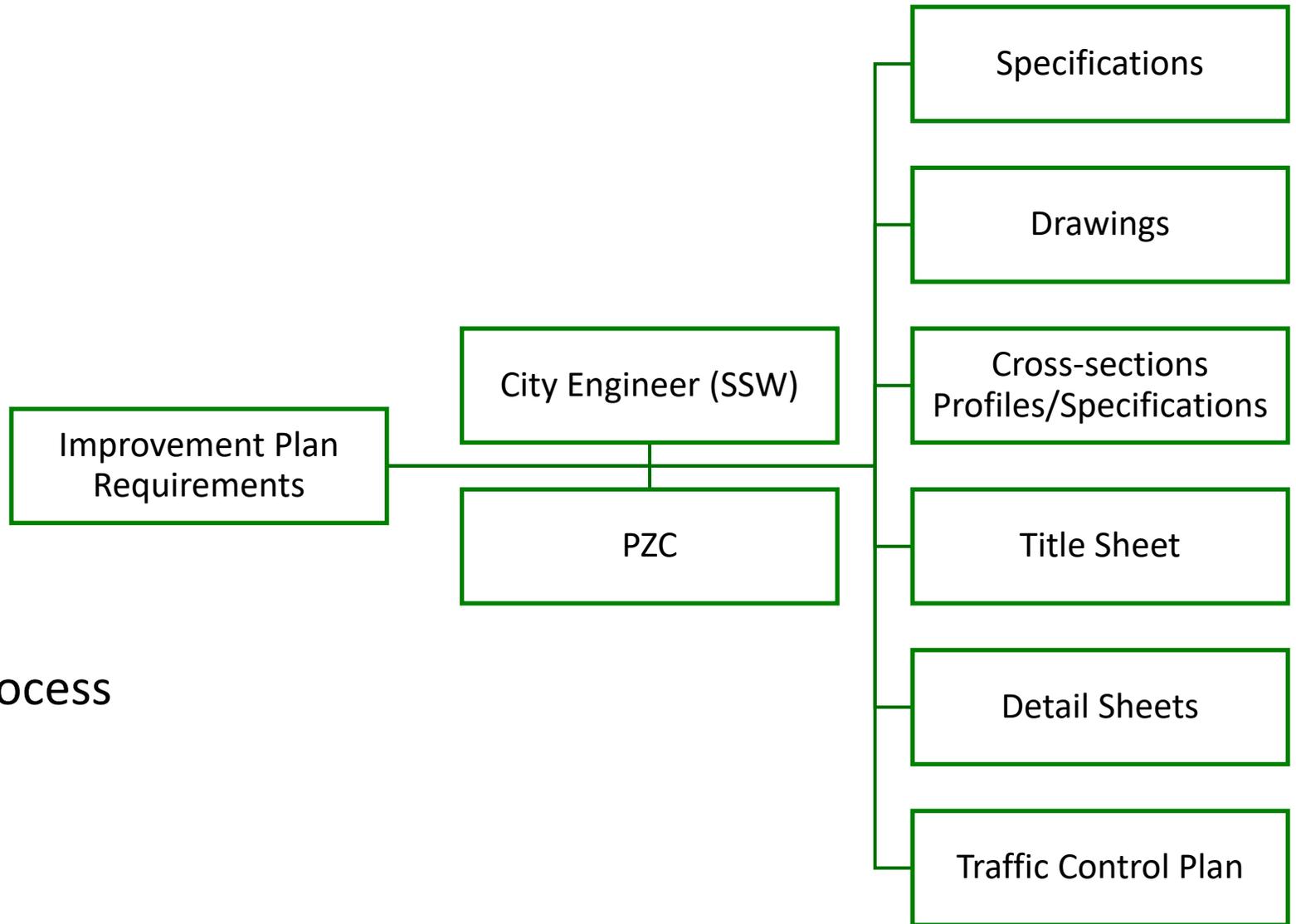






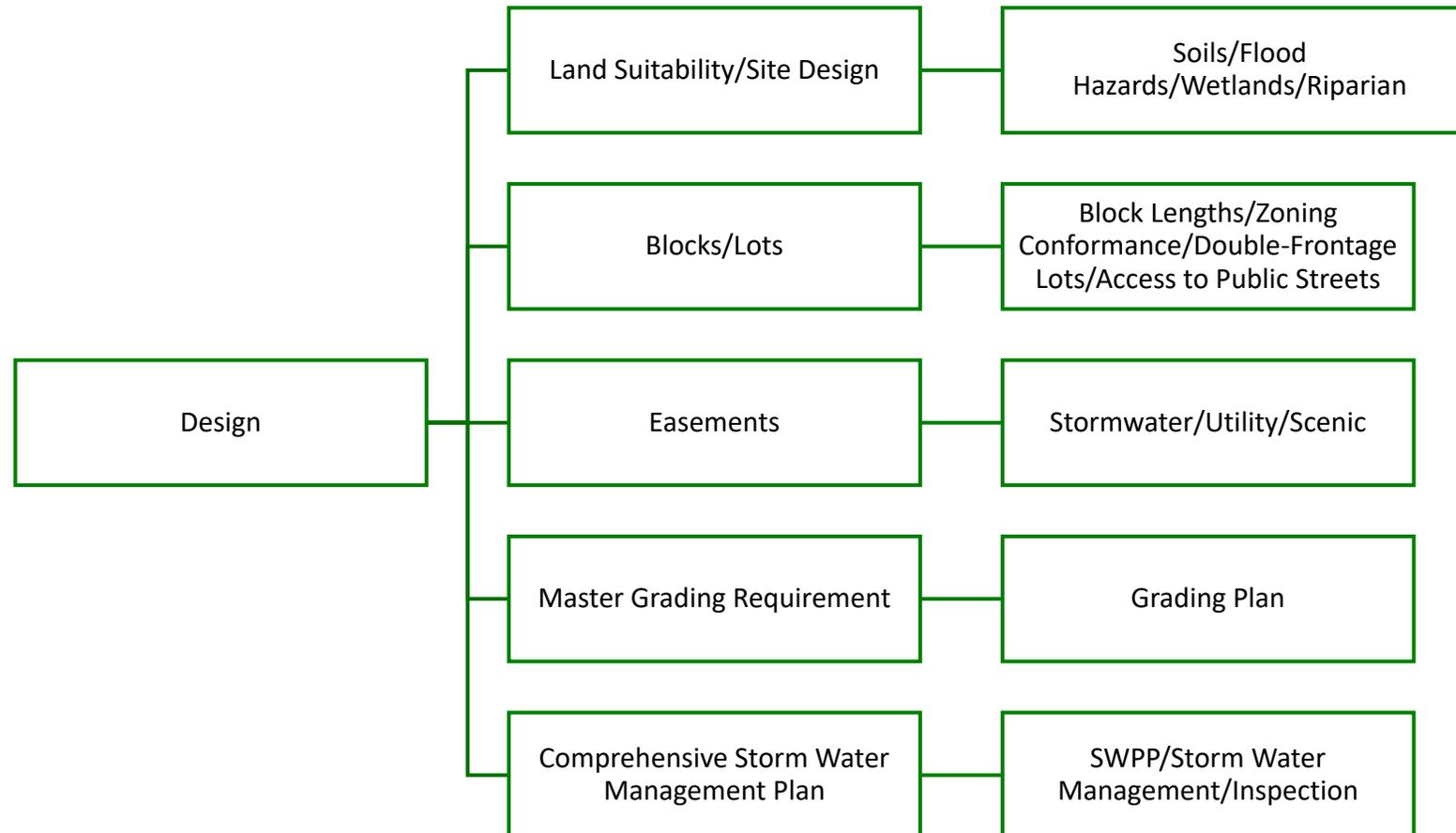
# Subdivision Regulations

## 1104.05 Improvement Plan Process



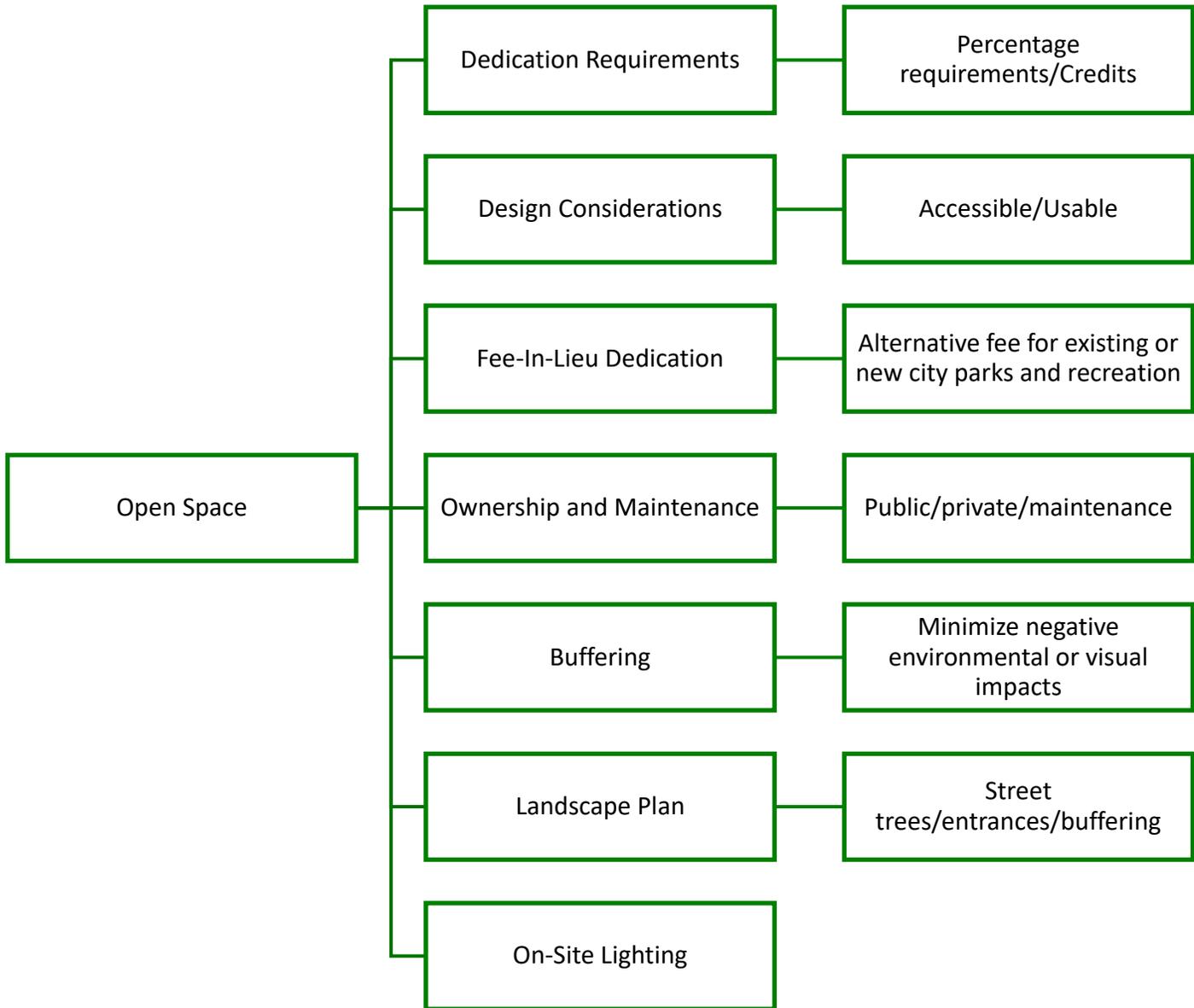
# Subdivision Regulations

## Chapter 1105 Design Standards



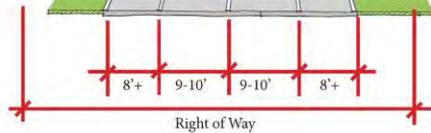
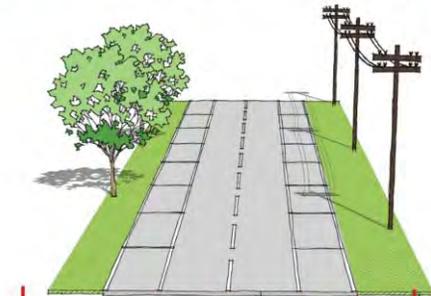
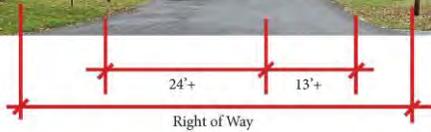
# Subdivision Regulations

## Chapter 1106 Environmental and Landscape Design



# Subdivision Regulations

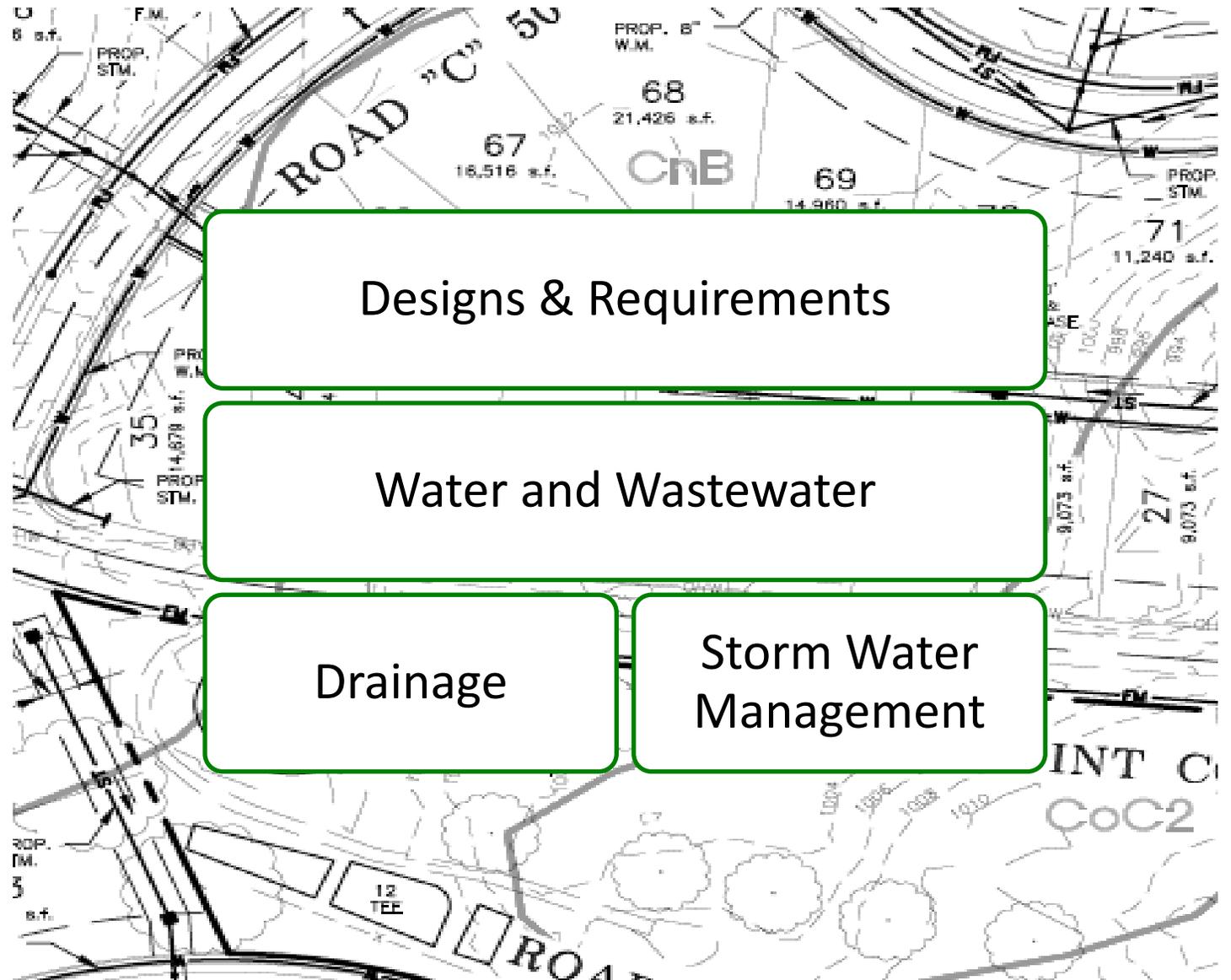
## Chapter 1108 Street Design & Construction Standards

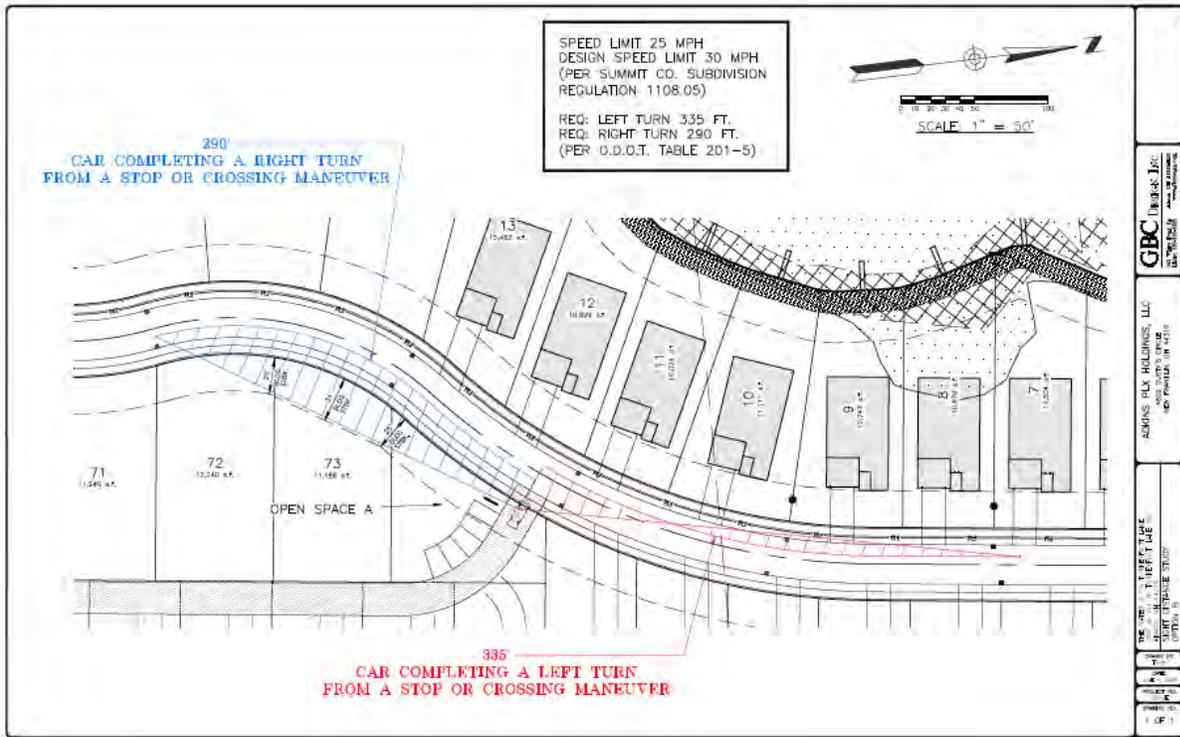


Street Planning	Access Limitations	Traffic Impact Study	Public Street ROW Widths and Grades
Street Design Standards	Geometric Design	Half Streets	Boulevards and Roadway Islands
Cul-De-Sac and Dead-end Streets	Sidewalks/Walkways	Bike Paths and Trails	Ornamental Construction
Street Signs	Survey Monuments	Street Address Emergency Identification	

# Subdivision Regulations

Chapter 1109 Utility Design and Construction Standards





# Other Information

# Traffic Impact Study

ITE TRIP GENERATION			WEEKDAY TRIP ENDS			
ITE CODE	DESCRIPTION	SIZE (Units)	AM Peak Hour of Adjacent Street Traffic: 7-9 AM		PM Peak Hour of Adjacent Street Traffic: 4-6 PM	
210	Single-Family Detached Housing - Phase 1	73	14	42	47	27
215	Single-Family Attached Housing - Phase 2	21	1	4	5	4
215	Single-Family Attached Housing - Phase 3	26	2	6	7	5
TOTAL NEW TRIPS			17	52	59	36
			69		95	

## Development Access Recommendations

The following lane use and traffic control is recommended at the site access locations along Point Comfort Drive and South Turkeyfoot Road:

### Point Comfort Drive & Road "A"

- Provide one ingress lane and one egress lane for the Road "A" approach.
- Install stop sign control for the Road "A" approach.

### Point Comfort Drive & Road "C"

- Provide one ingress lane and one egress lane for the Road "C" approach.
- Install stop sign control for the Road "C" approach.

### Point Comfort Drive & Road "E"

- Provide one ingress lane and one egress lane for the Road "E" approach.
- Install stop sign control for the Road "E" approach.

### South Turkeyfoot Road & Road "G"

- Provide one ingress lane and one egress lane for the Road "G" approach.
- Install stop sign control for the Road "G" approach.

## Conclusion

Based upon the results of the analysis in this study and the corresponding recommendations, it can be seen that the development traffic can be accommodated without adversely impacting the area roadway network.

# Declaration of Covenants, Conditions, Easements and Restriction For The Water 9 on Turkeyfoot Lake

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The requirements and restrictions outlined in the document are needed for several reasons:

- 1) Protecting Property Values: The requirements and restrictions help maintain and enhance the value of the Property by establishing design standards and architectural guidelines. This consistency helps preserve property values and creates a cohesive and attractive neighborhood.
- 2) Maintaining Community Standards: The requirements and restrictions help maintain a certain level of quality and standards within the community. They ensure that any exterior modifications or additions made to the Property meet certain criteria and do not detract from the overall character and appearance of the community.
- 3) Managing Common Areas: The establishment of second-tier homeowners' associations for specific areas within the Property allows for the development, maintenance, and administration of common areas within those neighborhoods. This ensures that the common areas are properly managed, maintained, and funded, providing amenities and services for the benefit of the Owners in those areas.
- 4) Planned Community Governance: The Declaration provides a legal framework for the governance and management of the community. This includes the establishment of the Board of Directors, the adoption of a Code of Regulations, and the imposition of assessments to fund common expenses.
- 5) Flexibility for Development: The Declaration allows for the Declarant to convey portions of the Property for further subdivision or improvement. This flexibility allows for the development of different types of residential housing and the creation of separate neighborhoods within the community.

Overall, these requirements are needed to ensure the orderly development, management, and preservation of the Property, protect property values, maintain community standards, and provide a framework for governance and decision-making within the community.

# Covenants

The covenants mentioned in the document include various restrictions and obligations that apply to the Property and its Owners. Some of the key covenants outlined in the document are:

- 1) Maintenance of High-Quality Development: The covenants aim to maintain the Property as a high-quality development and apply to Owners, land contract vendees, lessees, tenants, and occupants of the Property.
- 2) Use Limitation: Vacant Single-Family Lots can only be used for single-family residence purposes, and only one residence is permitted on each lot. Dwelling Units and Common Areas are subject to easements, rights-of-way, and applicable zoning ordinances.
- 3) Compliance with Laws: No improper, offensive, or unlawful use shall be made of the Property. All laws, orders, rules, regulations, or requirements of any governmental agency having jurisdiction over any portion of the Property must be observed and complied with.
- 4) Harmful Discharges: Prohibition of emissions of dust, odors, gases, or other substances into the atmosphere, except for normal residential chimney emissions. No production, storage, or discharge of hazardous wastes or other harmful matter into the ground or any body of water.
- 5) Noise: Prohibition of unreasonably loud noise anywhere on the Property, except for security devices. No activity, practice, or behavior that causes annoyance, discomfort, or disturbance to any person lawfully present on the Property.
- 6) Fences, Walls, Shrubs: Regulations for the maintenance and construction of fences, walls, trees, hedges, and shrub plantings. Approval from the Architectural Control Committee (ACC) is required for the erection of fences and walls.
- 7) Swimming Pools; Hot Tubs: Restrictions on the installation and maintenance of swimming pools and hot tubs. Above-ground swimming pools are not permitted. In-ground pools and hot tubs require approval from the ACC or the Declarant.
- 8) Screening of Containers: Garbage or trash containers must be placed in screened areas to prevent visibility from adjoining properties.
- 9) Animals: Prohibition of raising, breeding, or keeping animals, livestock, reptiles, or poultry on any portion of the Property, except for approved household pets. Pets causing nuisance or disturbance may be permanently removed upon notice from the Board.
- 10) Exterior Modifications: The exterior of any building or structure on the Property shall not be altered, modified, changed, or redecorated without the express written authorization of the ACC.

# Conditions

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Here are some notable conditions mentioned in the document:

- 1) Maintenance Obligations: Townhouse Owners and Occupants have the exclusive duty to maintain their respective Townhouse Units, including the interior, exterior, and appurtenant areas. Failure to fulfill this maintenance responsibility may entitle the Association to undertake the maintenance or repair and charge the Townhouse Owner for the costs as a Special Assessment.
- 2) Snow Removal: Townhouse Owners and Occupants are responsible for keeping their patios, decks, porches, balconies, stoops, and steps free of unreasonable accumulations of snow and ice.
- 3) Insurance: Townhouse Owners are required to maintain adequate liability insurance covering their Townhouse Units and portions of the Townhouse Roof and Exterior Walls appurtenant to their units. They must also maintain hazard insurance on their contents and personal property.
- 4) Taxes and Assessments: Townhouse Owners are responsible for the payment of taxes and assessments for their Townhouse Units and appurtenant facilities. If taxes and assessments are assessed against the Association, the Association pays them and charges the Townhouse Owner their pro rata share of the costs as a Special Assessment.
- 5) Damage or Destruction: In case of damage or destruction to any Townhouse Unit or Townhouse Residence, the affected Owner(s) are required to promptly restore them to a condition at least equal to their pre-damage condition.
- 6) Compliance with Covenants: All Owners, including subsequent transferees, are bound by the covenants, easements, and restrictions imposed by the Declaration. They are required to observe and perform the provisions of the Declaration.

These conditions, among others, are intended to ensure the proper maintenance, upkeep, and compliance with rules and regulations within the Property. Failure to meet these conditions may result in consequences such as the Association taking action, imposing Special Assessments, or enforcing legal remedies.

# Easements

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Easements are legal rights that allow someone to use another person's property for a specific purpose. They typically involve granting access or use of a portion of the property to someone who does not own it. Based on the information provided in the document, it can be inferred that the easements mentioned may include:

- 1) Easements for Common Areas: The Association may hold easements over certain portions of the Property to establish and maintain common areas, such as parks, playgrounds, or recreational facilities, for the benefit of all Owners within the development.
- 2) Easements for Utilities: There may be easements granted to utility companies or service providers to access and maintain utility lines, such as water, sewer, electricity, or telecommunications, that run through the Property.
- 3) Easements for Stormwater Management: The document mentions a Surface Water Management System designed by the Declarant for stormwater control. This may involve easements for drainage, retention basins, ditches, or other stormwater management infrastructure.
- 4) Easements for Access and Maintenance: There may be easements granted to allow access to certain areas of the Property for maintenance, repair, or other necessary purposes, such as landscaping, signage, or common area upkeep.

# Restrictions

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The document outlines several restrictions that apply to the Property. Here are some notable restrictions mentioned in the document:

- 1) Covenants and Restrictions: The Property is subject to covenants, conditions, restrictions, and reservation of easements outlined in the Declaration. These restrictions are intended to protect the value and desirability of the Property and are binding on all parties with any right, title, or interest in the Property.
- 2) Architectural Control Committee (ACC): The ACC has original jurisdiction to review and approve or disapprove all exterior and structural improvements, additions, and changes made within the Property. This ensures that any modifications to the Property adhere to certain design standards and maintain the overall aesthetic quality.
- 3) Conveyance of Portions of Property: The Declarant reserves the right to convey portions of the Property through blocks or lots for further subdivision or improvement. The owners of specific areas, such as Lakeside Property, Lakeview Property, and Townhouse Property, may create second-tier homeowners' associations to develop, maintain, and administer the common areas of their respective neighborhoods. These associations may impose additional covenants, conditions, easements, and building use restrictions specific to their areas.
- 4) Additional Property Subject to Declaration: The Declarant reserves the right to add additional property to the existing Property and subject it to the provisions of the Declaration. The process for adding additional property involves executing and recording an amendment to the Declaration and the Record Plat, explicitly stating that the land described therein becomes part of the Property and is subject to the provisions of the Declaration.
- 5) Declarant Control Period: During the Declarant Control Period, the Declarant has the authority to appoint, remove, and reorganize the Directors of the Association and officers of the Board. This period is limited, and control of the Association will eventually transition to the Owners.
- 6) Code of Regulations: The Association has a Code of Regulations that governs the operation and use of the Neighborhoods, Common Areas, and property owned by the Association. The Code of Regulations serves as the bylaws required by the Ohio Revised Code and provides additional rules and regulations for the community.

These restrictions, among others, are in place to ensure the orderly development, maintenance, and management of the Property and to protect the rights and interests of the Owners within the community.

# Assessment

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According to the document, assessments are levied against all Owners of Dwelling Units and Vacant Single-Family Lot Owners to fund Common Expenses. Here is how assessments work:

- 1) Definition: Assessments refer to the fees charged to Owners to cover the expenses incurred by the Association for the benefit of the Property and its Owners.
- 2) Common Expenses: Common Expenses include expenditures made by the Association, together with any allocations to reserves. These expenses can include maintenance and repair of Common Areas, insurance, utilities, landscaping, management fees, and other costs associated with the operation and upkeep of the Property.
- 3) Allocation of Assessments: The Common Expense Liability, which is the liability for Common Expenses allocated to each Lot, is determined based on the proportionate share of each Lot's value in relation to the total value of all Lots within the Property. The specific allocation method may be outlined in the Declaration or the Code of Regulations.
- 4) Special Assessments: In addition to regular assessments, the Association may also levy special assessments. Special assessments are additional fees imposed for specific purposes, such as capital improvements, repairs, or unexpected expenses. The Declaration may provide guidelines on when and how special assessments can be imposed.
- 5) Lien and Enforcement: Assessments, including special assessments, provide a basis for a lien on the property. If an Owner fails to pay the assessments, the Association may take legal action to enforce the lien, which can include foreclosure proceedings.
- 6) Late Payment Charges: The Association may impose a late payment charge if any assessment is not paid within a specified timeframe. The specific late payment charge amount and grace period may be established by the Association.
- 7) Collection of Unpaid Assessments: The Association has the right to collect any unpaid assessments, including the costs of collection, such as court costs and reasonable attorney's fees.

# Housing Type Examples

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**The Townhouses**, which will run along North Turkeyfoot Road and will also be located in the Northernmost portion of the development South of 619, are planned to be three-story units. Consistent with the NE Ohio market, these units will be 1,600-2,300 square feet. Along North Turkeyfoot Road, the units will be rear-loaded and all three floors will be above grade. South of 619, the units that front Florian Drive will also be rear-loaded, off of Road E, while the 6 units to the north of Road E will be front-loaded off of Road E. Those units along Florian Drive and Road E will also be three-story units, but will also take advantage of the sloping contours, which may mean one story is partially below grade. All units will be individually owned and the HOA will maintain the exteriors, landscaping, lawns, etc. for these units.

**The Lakeview Homes**, which are comprised of lots 1-35 will be approximately smaller single-family detached homes of approximately 1,600-3,000+/- square feet. Lots 1-13 will abut Turkeyfoot Lake, but the lot size at 9,500 to 15,500 square feet will be smaller than the Lakeside Lots. Lots 14-35 will sit back from Turkeyfoot Lake and the lot sizes average about 9,000 square feet. The smaller lots for these Lakeview Homes are intended to make these homes the choice option for buyers who may want something larger than the Townhouses but are looking for lower maintenance obligations than would come with a larger Lakeside Lot. Additionally, the Developer is considering a maintenance-free option similar to the Townhomes where the association will undertake the exterior maintenance obligations for these units.

**The Lakeside Homes** are the premier lots within the development on Lots 36-73 and will feature larger more custom-style homes, likely in excess of 3,000 square feet. Lots 36-62 all abut Turkeyfoot or Mud Lake and most of those lots are in excess of 15,000 square feet. Lots 63-73 are interior to the development without direct access to the Lakes, but the lots are generally larger and will accommodate similar larger custom-style homes. These lots are intended for homeowners with larger families and the maintenance obligations for these lots will rest with the homeowners.

# Town Homes

## Examples

Rear-Loaded Townhouse Units



Front-Loaded Townhouse Units (cont.)



Rear-Loaded Townhouse Units (cont.)



Front-Loaded Townhouse Units



# Lakeview Homes

## Examples



# Lakeside Homes

## Examples



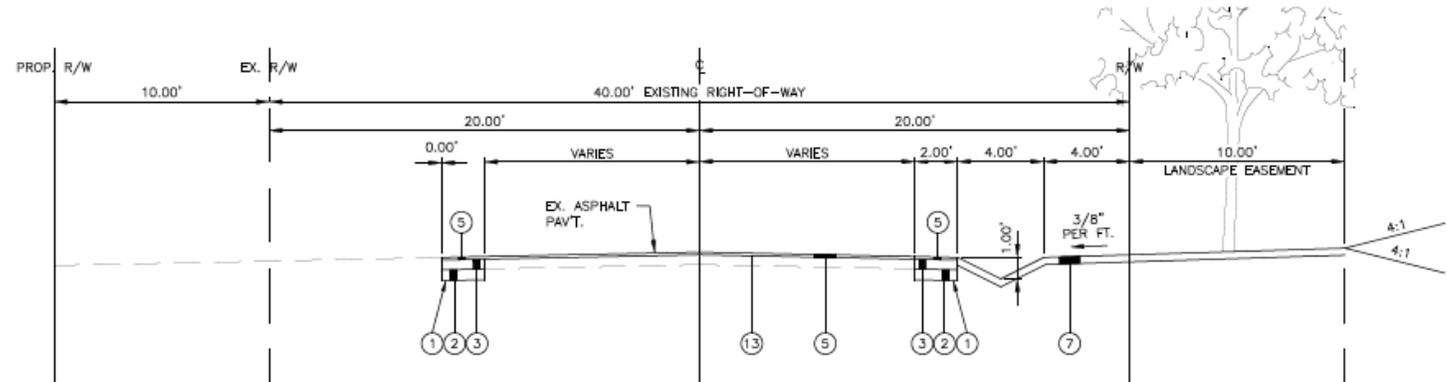
# Modifications & Mitigation

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- **Mitigation:** Means reducing risk of the occurrence of any undesirable subdivision plat attribute.
- **Modification Waiver :** The PZC can determination (based on applicable criteria), that a standard is not applicable to the particular situation, but that the collective purposes, intent, or design goals in the code would be better served by meeting the requirement in a manner different than that specified in the code.

# 1. Point Comfort Drive Improvement Mitigation

- The Point Comfort ROW should be widened to 50 feet and street surface pavement should be widened to 25 feet. Also, the applicant should attempt to construct a 5-foot sidewalk/asphalt trail on west side of street.
- The traffic impact study concluded that no improvements are needed for Point Comfort Drive.



## TYPICAL PAVEMENT SECTION POINT COMFORT DRIVE

SCALE 1" = 5'

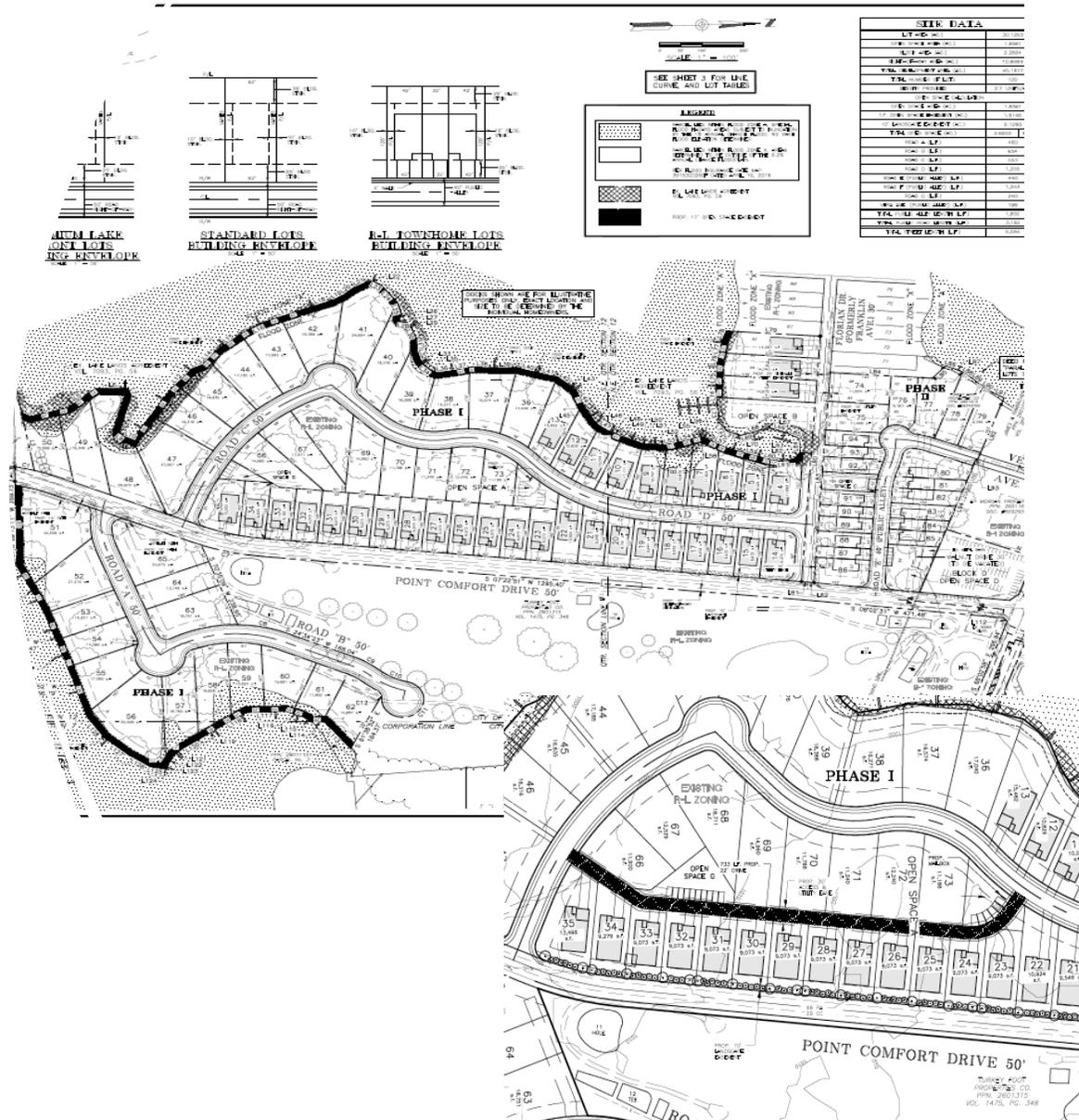
NOTE: ITEMS 1 & 2 TO BE COMPLETED BY CITY OF NEW FRANKLIN

### LEGEND

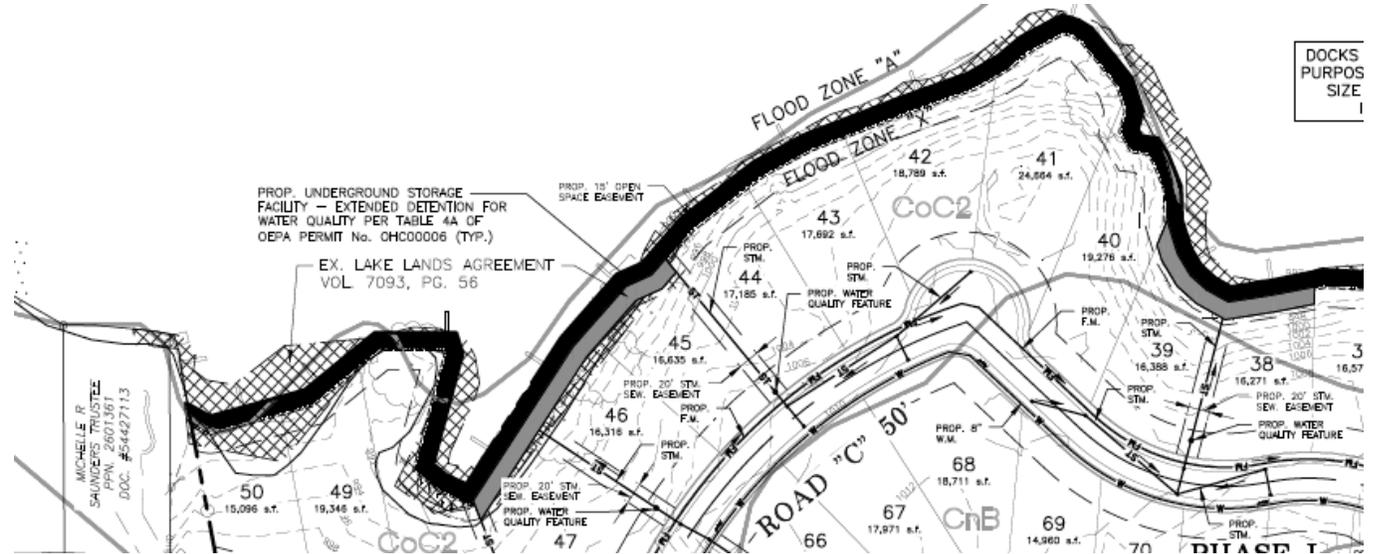
- ① O.D.O.T. ITEM 204 - SUBGRADE COMPACTION / PROOF ROLLING
- ② O.D.O.T. ITEM 304 - AGGREGATE BASE (6" THICK)
- ③ O.D.O.T. ITEM 301 - ASPHALT CONCRETE BASE (5 1/2" THICK) (2-3" LIFTS)
- ④ O.D.O.T. ITEM 407 - TACK COAT (0.1 GAL/S.Y.)
- ⑤ O.D.O.T. ITEM 448 - ASPHALT CONCRETE SURFACE COURSE, TYPE 1 (1 1/2" THICK)
- ⑥ O.D.O.T. ITEM 609 - O.D.O.T. CONCRETE CURB & GUTTER TYPE 2
- ⑦ O.D.O.T. ITEM 653 - TOPSOIL (4" THICK)
- ⑧ O.D.O.T. ITEM 659 - SEEDING & MULCHING
- ⑨ O.D.O.T. ITEM 605 - 6" UNCLASSIFIED UNDERDRAIN (PVC)
- ⑩ O.D.O.T. ITEM 608 - CONCRETE SIDEWALK (4" THICK) (6" THICK @ DRIVE)
- ⑪ O.D.O.T. ITEM 304 - 2" THICK AGGREGATE BASE, NO. 57 STONE, (4" THICK @ DRIVE)
- ⑫ O.D.O.T. ITEM 609 - MODIFIED TYPE 3 CONCRETE CURB AND GUTTER (T=8")
- ⑬ O.D.O.T. ITEM 254 - 1 1/2" PAVEMENT PLAN

## 2. Lots 23-35 on Point Comfort Drive Mitigation (Alley/No Alley)

- If a rear alley is not constructed, front loaded garages shall be setback at least 10 feet from house frontage so as not to dominate front façade. This would also allow for additional driveway storage.
- Alternative plans show for the construction of a rear alley (garages will face alley). A final decision must be made by the Planning and Zoning Commission.



### 3. Stormwater Water Quality Modification Waiver



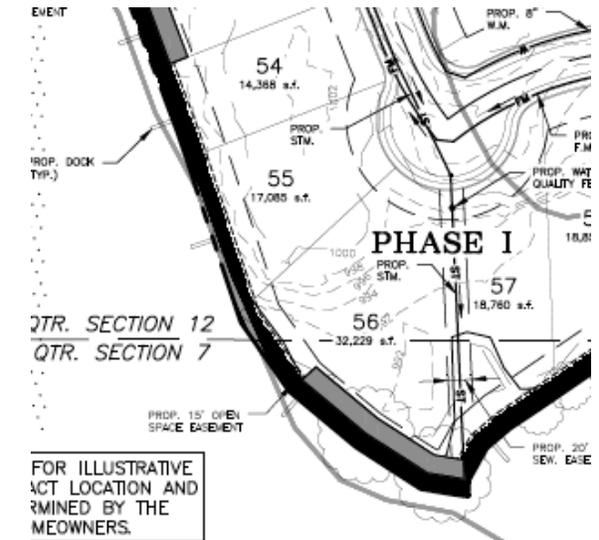
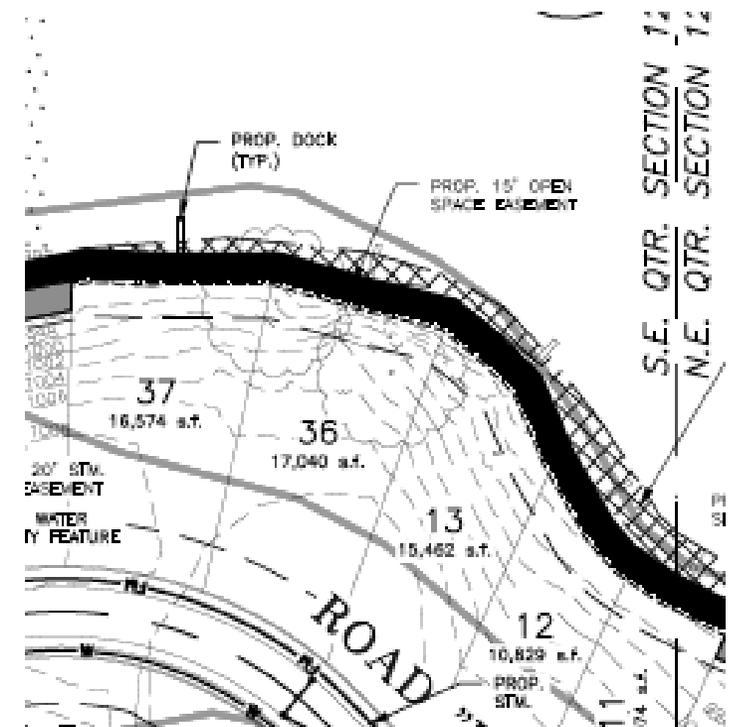
- An underground stormwater storage facility for water quality, per Table 4A of OEPA permit OHC00006 is being proposed. This is instead of above ground storage.
- Final design must be approved by the City Engineer and Summit Soil and Water. A modification waiver may be needed by the Planning and Zoning Commission.



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# 4. Open Space Dedication Acreage Modification Waiver

- An approximate 17-foot open space easement along waterfront properties is being proposed for open space dedication requirements.
- This easement would be approximately 3.77 acres or 8.4 percent of the subdivision acreage. (8% is required)
- This easement would limit any development and is being used to meet Subdivision Section 1106.01 Open Space Dedication requirements.
- A modification waiver may be needed.



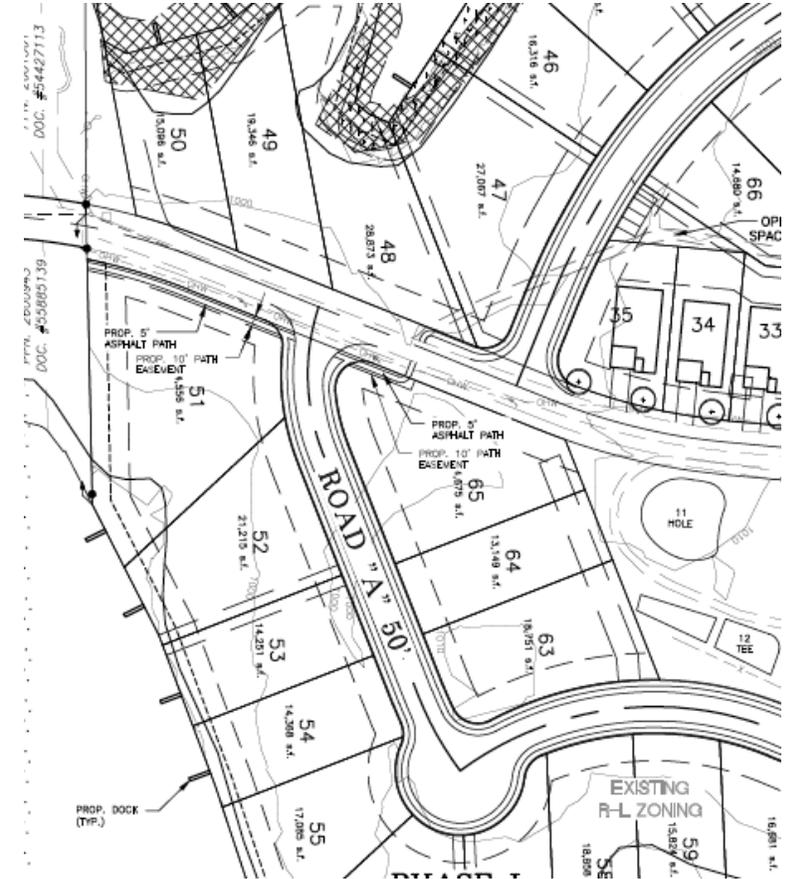
## 5. Buffering for Double Sided Lot Mitigation

- Section 1106.06 requires that buffers be used for visual screening to minimize visual or land use conflicts on double-sided lots.
- The subdivision includes 18 double-sided lots (lots 14-22 and lots 74-86).
- The subdivision regulations states that “A buffer may consist of fencing, evergreens, berms, rocks, boulders, mounds or combinations thereof to achieve the same objective.
- Buffering may be required when the Planning Commission determines that there is a need to shield neighboring properties from any adverse external effects of a Development and shield the Development from negative impacts of adjacent uses such as streets or railroads”.



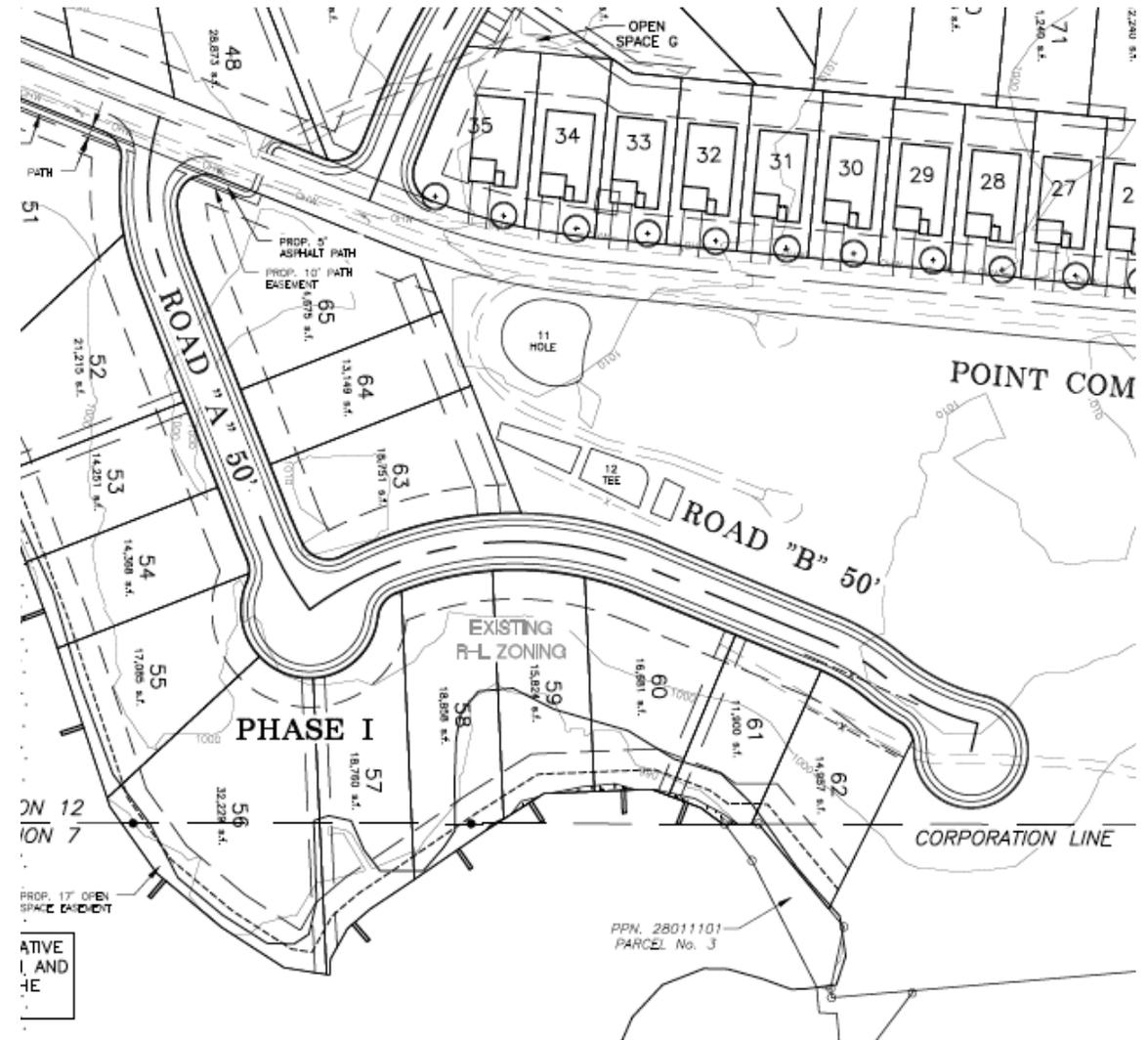
## 6. Road “A” and Road “C” and Florian Drive and Road “E” Alley Intersection Distance Modification Waiver

- Section 1108.02 Street Planning Principles (h) states that there shall be 300 feet between intersections.
- The following intersection do not meet this requirement:
  - Florian Drive and the proposed Road D are approximately 110 feet apart.
  - Proposed Road A and Proposed Road C are approximately 150 feet apart.



# 7. Cul-de-sac Length (Road "A" and Road "B") Modification Waiver

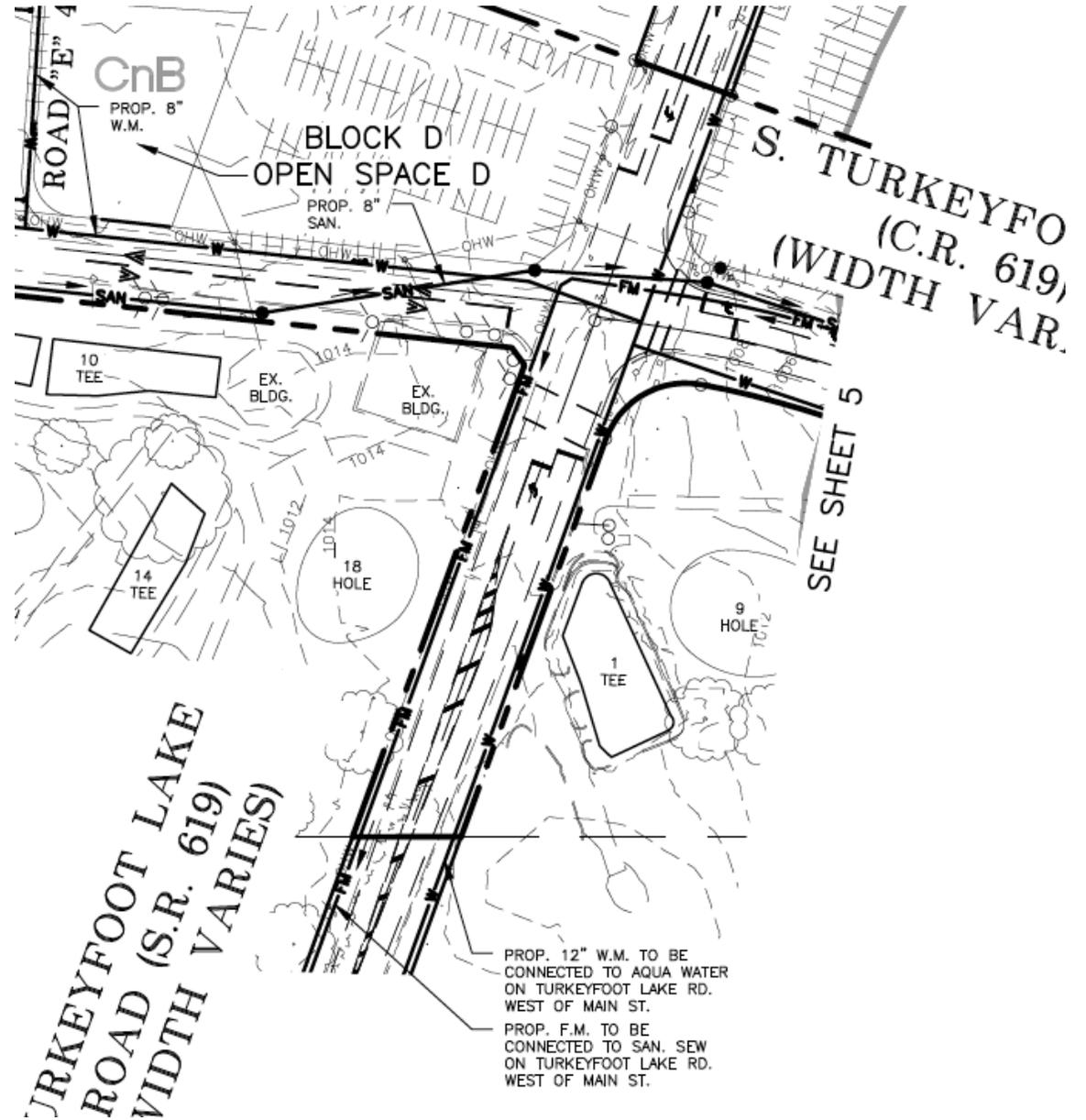
- Section 1108.10 (a) Cul-De-Sac and Dead-end Streets states that "a residential street designed to be a permanent cul-de-sac, which contains central water service and fire hydrants for its full length, may serve up to twenty-five (25) lots; otherwise, a permanent cul-de-sac shall not be longer than one thousand (1,000) feet in residential areas.
- Cul-De-Sac Roads "A" and "B" contains 15 lots but is approximately 1,300 feet long.
- A Modification Waiver is needed to allow this longer cul-de-sac.





# 9. Water and Sewer Availability & Readiness Mitigation

- The Preliminary Plat requirement for Utilities is to provide water/sewer sources methods.
- However, because the Water 9 on Turkeyfoot Lake is dependent upon these utilities, it is critical that the applicant provide documentation of availability, readiness, and confirmation.



# Other Potential Issues

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Are you satisfied with sample housing designs?

Are the Draft Declaration of Covenants, Conditions, Easements and Restrictions Acceptable?

Do you prefer a gated emergency alley or an ungated alley in phase 3?

# Staff Approval Stipulations Findings of Fact &

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- **Findings of Fact:** Are specific reasons given by staff to recommend approval or denial of the application. They are based on fact and substantial evidence rather than opinion.
- **Approval Stipulations:** Are additional provisions that would allow for an approval of an application.

# Suggested Approval Stipulations

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1. Point Comfort Drive Improvement Mitigation
2. Lots 23-35 on Point Comfort Drive Mitigation (Alley/No Alley)
3. Quality Stormwater Facility for Water Quality Modification Waiver
4. Open Space Dedication Acreage Modification Waiver
5. Buffering for Double Sided Lot Mitigation
6. Road "A" and Road "C" and Florian Drive and Road "E" Alley Intersection Distance Modification Waiver
7. Cul-de-sac Length (Road "A" and Road "B") Modification Waiver
8. Wetland and Floodplain Mitigation
9. Water and Sewer Availability, and Readiness Mitigation

# Staff Findings of Fact

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1. The Water 9 on Turkeyfoot Lake Preliminary Subdivision Plat is generally consistent with New Franklin 2023 Comprehensive Plan Implementation Chapter.
2. The Water 9 on Turkeyfoot Lake Preliminary Subdivision Plat is generally consistent with development patterns and character of the area (lot sizes and building types).
3. The Water 9 on Turkeyfoot Lake Preliminary Subdivision Plat and Related Documents meet Article's 4, 5 and 6 Zoning Code requirements.
4. The Water 9 on Turkeyfoot Lake Preliminary Subdivision Plat meets Section 1104.04 Preliminary Plan (Plat) Requirements. Additional subdivision regulations must be met in the Final Subdivision Plat and Improvement Plan.
5. Modification and mitigation recommendations are needed for the Water 9 on Turkeyfoot Lake Preliminary Subdivision Plat.
6. Final housing designs, floor plans, façade materials, roof pitch and other architectural elements must be approved at the Final Subdivision Plat phase.
7. Final Covenants, Conditions, Easements and Restricts shall be approved at the Final Subdivision Plat phase.
8. Final Improvement Plans will be approved at the Final Subdivision Plat phase.