

City of Norton
PLANNING COMMISSION
Tuesday, April 10, 2012

The Planning Commission of the City of Norton, Ohio, convened for a public meeting in Council Chambers at the Safety Administration Building. Chairman Spisak called the meeting to order at 6:00 p.m.

I. ATTENDANCE:

PRESENT: Mark Spisak, Ralph Dowling, Janet Jacobs,
and Richard Easterling

ABSENT: John Conklin

ALSO PRESENT: Russ Arters, Supt. of Bldg. & Zoning

II. PUBLIC APPLICATIONS:

- A.) Application R1-2012 - Rezoning
Proposing to rezone from a B-1 District to
an I-1 District
GS River Properties LLC, Owners
(Akron Building & Maintenance dba RiverReach
Construction)
Shannon Carneal & Gregory Guello, Agents
92 31st Street/ PPN 4604304
currently zoned B-1 Central Business District
[To allow the property to be used as a
construction company]**

Chairman Spisak said this was a public hearing and asked if the neighbors were notified via first class mail as required per section 6.03 of the City Charter; the stenographer replied yes.

Chairman Spisak asked the applicant to stand at the podium and address the Commission.

Shannon Carneal, 600 River Road, Canal Fulton, Ohio, said their business was currently at 3750 Summit Road in Norton, Ohio. He said they planned on using the building for their corporate headquarters with an office space and warehouse

*Planning Commission Approved Minutes
4/10/12*

by Rebecca Lukats Interim Boards & Commissions Secretary

*** Note: These Minutes are not verbatim. ***

space. He said they would like to fix the inside of the building to also allow for 1 – 2 tenants to occupy the other office spaces, since they will not need to whole building for their business. They are asking for the zoning change due to some material and equipment that would be stored outside on the premises. Mr. Carneal said they have an approval for a construction loan contingent on this application, because they plan to make many improvements to the property. He said they would deal with the flooding issues and plan to clean up the property, especially the miniature golf site. He said they have plans to well groom the property. Mr. Carneal said the type of tenants they will get to occupy the other office spaces will depend on the outcome of this application.

Chairman Spisak asked how many employees he currently had. Mr. Carneal said since it is a seasonal business it fluctuates, but currently 10 are employed. Mr. Carneal said they are an environmental contractor and business is picking up. He said they do restoration projects, river restoration and wetlands mitigation; EPA and Army Corps of Engineers permitting drive their projects. Mr. Carneal discussed the projects they were doing at that time stating most projects are public venue projects.

Ms. Janet Jacobs asked if they plan to keep the current location as well. Mr. Carneal said no, they were moving it all to the new location and plan to rent out the other facility.

Chairman Spisak asked if the Commission members had any other questions for the applicant. Mr. Ralph Dowling had zoning questions that he directed to Mr. Russ Arters, Superintendent of Building and Zoning. Mr. Arters said it was established that the manufacturing company beside this property to the north was zoned industrial, which blends into the PPG Property next to that which is also zoned industrial. Mr. Arters advised that the back half of the property is in Norton and the front is in Barberton.

Mr. Carneal said that he talked with Mr. Arters and with Barberton before he did anything, to make sure their idea was feasible. He said Barberton advised to only come to them if they would be doing anything in the front of the property. Mr. Carneal said at this time there are so many easements going through that part of the property that the only thing he could see going in there in the future would be parking spaces.

Mr. Arters stated that the reason for the zoning change request was because they were going to store industrial equipment on the outside, which would be industrial. He said the whole property would be a mixed use.

Mr. Dowling asked if there was any grinding or major work they would be doing there. Mr. Carneal said they make no noise because they don't fabricate or produce anything. He advised there is only one other person besides him that

would be there during the day, all the other employees are out on-site. He commented in the winter season, they would be bringing their equipment inside to work on it. Mr. Carneal said they would be using the office space and the storage space inside by using racks to hold their equipment. He said that they would store as much equipment inside as they can, with the bigger pieces of equipment parked along the back of the property; there is over 40,000 square foot of asphalt for parking. Mr. Carneal said they run a regular day shift of 7AM to 5PM, so it would be quiet in the evenings.

Mr. Dowling asked about the chain link fence. Mr. Carneal said the prior owner installed it around the golf course to control egress, but they are planning to take it down. They will take out all of the current golf course, but leave some of the trees. They want to groom that area and put in a lawn. Mr. Carneal said there is a stream that flows into a culvert on the property that needs to be addressed to solve some flooding issues. They plan to go for a grant for stream restoration and flood plain expansion. He explained that in getting the grant there are certain covenants and land use agreements that will be put into place, such as giving up some of your own property and promising not to develop it. Mr. Carneal said not only will it help them, but will help their neighbors as well. He said one of his team members that works for an environmental group has come to look at the site already. The flow of the stream was discussed further.

Chairman Spisak asked Mr. Arters if this would come back before their Commission for a site review plan; Mr. Arters said yes. Chairman Spisak wanted clarification that the only issue that night was the rezoning of the property; Mr. Arters said yes.

Mr. Richard Easterling asked for clarification on what part of the property was located in Norton City limits, and what part was in Barberton. Mr. Arters advised just the back portion of the property is in Norton, where the building is. He said shrubbery, privacy fence, etc. would be dealt with through Barberton, since the property fronts in that City.

Chairman Spisak asked if there were any other questions from the members; hearing none he thanked the applicant.

Chairman Spisak asked if anyone wanted to speak for or against the application.

Mr. Billey White, 4565 Krancz Drive, Norton, Ohio 44203, said he owns three lots to the north on the backside of this property, close to Mitchell Plastics. He said his biggest concern is if they have concrete trucks and if they will be mixing concrete and having large rocks or stones, etc. stored on the property. He said he was thinking when they said storage, they meant rocks, etc.

Mr. Gregory Guello, 3750 Summit Road Norton, Ohio 44203, also Agent for GS River Properties LLC, addressed Mr. White's questions by saying they will not store a huge amount of bulk material on the property. He said they are more of a glorified landscaping company. He said when they get done digging in the dirt, they restore the vegetation. He said at some point they may have a staging area with some material to utilize, but not a great deal.

Mr. White complained that he hears a lot of noise all hours of the day coming from Mitchell Plastics, since they turned their parking lot into a diesel truck parking/storage business. He said there are at least 6 full tractor-trailers trucks that he has to listen to beep-beep daily, and smell the diesel fuel leaching through the pine trees onto his property.

Mr. Guello commented that their equipment runs off-site, and that when it comes back on a trailer, it is just off-loaded. He said their equipment stays on the job site for weeks, so it is not like they are bringing back equipment daily. He said in the wintertime they will be working on their equipment inside the building.

Mr. White also made comments about the ditch that is four feet wide, two feet deep between him and Mitchell Plastics that is nasty. He said he has called the Health Department out to investigate it, but has heard nothing. He said the ditch runs to their property also, and asked if they will be doing anything about it

Mr. Guello has seen the situation and knows what Mr. White is talking about. He said they would try to address all flooding issues. He said right now it is mushy but their goal was to create a ditch or some sort of a collection basin to route it to the south side of the building. He said it would go into the wetland and then into the stream. He understood what Mr. White was talking about and said the last thing he would do would be to divert water to their shared ditch.

Mr. White asked if their only entrance to the property would be Cleveland-Massillon; Mr. Guello said yes.

Chairman Spisak asked for a second time if anyone wanted to speak for or against the application.

Dan Golech, 4537 Krancz Drive, Norton, Ohio 44203, said he was directly behind this property. He addressed his concerns of noise problems. He said there is trash he already has to pick up in his yard from Mitchell Plastics and feels this construction company would be an eyesore and drop his property value down. He was very angry about the sirens he has heard all week coming from the property when the construction vehicles back up and he talked about the level of noise being 100 decibels. He said they allowed a zoning change before in the neighborhood for Mitchell Plastics, and now it has become a truck stop, with trucks going in and out all day long. He says it is just more noise and more

pollution the residents have to put up with if the Commission grants it. He said it is residential area that surrounds it, with houses behind and houses across from it in Barberton, with a small part of it being the Ohio Edison property. He questioned the notification process of the hearing, quoting what the City of Green's process is. He said that our code says 15 days notice, and he did not receive his letter within 15 days of the hearing. He also stated other neighbors did not get notification. He complained that there was no building permit issued (saying he checked with Summit County), yet they are under continuous construction on the site. He said if they are ignoring the rules now, what will they have to put up with in the future. He said he does not want a construction company in his neighborhood and said there are plenty of other sites in the city already zoned for a construction company, they can move there.

The secretary addressed his notification by saying the 15 day notice is in Council rules and this Commission has another set of rules for mailing, which is giving adjacent property owners a 10 day notice. She stated the mailing goes out 12 days prior to the Commission's Public Meeting, to give them 2 days to receive the notice for a 10 day notification. Mr. Golech stressed the 15 days as noted in the codified. The secretary said the Council has the 15 day notice requirement because they have the final say at their hearing; the Commission's Public meeting outcome is only as a recommendation to Council.

Mr. Arters said he would address the building department issues. He said they contacted him saying they bought the building and wanted to clean it out due to the inside of the building being in such a horrendous condition. Mr. Arters said because the building was in need of painting and was in a condition of disarray, he thought it only right to allow them to tear out the wiring and suspended tile; just letting them clean it out. He said they were not building anything; they were just basically gutting it out. Mr. Arters said they needed to know what they had in order to submit their drawings for renovation.

Mr. Golech had one more comment about the stream. He said everyone was talking about water flowing through the property and they didn't know where it came from. He said the stream was on his property and he has concerns about just how they are going to fix the problem, as it would affect his property.

Ann Johnson, 98 31st Street N.W., Barberton, Ohio 44203, said she owns the chunk of property in front of them, and has been in business there for over 20 years. She said she is very happy to have them next door. She said since the Rollercade has closed that they have had vandalism occur in that building on several instances. Ms. Johnson said the stream that runs behind the property has flooded her place out twice, since the Rollercade has been gone; she feels that happened because the stream got blocked with debris.

Chairman Spisak asked for the third and final time if anyone wanted to speak for or against the application; no one spoke.

Mr. Carneal asked the Chairman if he could address some of Mr. White's comments; it was allowed. He said he appreciated where Mr. White was coming from and said he would probably feel the same if it came into his neighborhood too. He realizes that more comes with this zoning change, because it encompasses more than just his company. He thinks his statements were accurate, but that there are far worse companies that could go in there. Mr. Carneal explained that their company was not a typical construction company, as they are an environmental construction company. They have no products and the neighbors will hear no noise, except when they are off-loading a piece of equipment. He just wanted to say they would be good neighbors; they have good plans to clean up the property. He said they plan no noxious fume emissions, except from an occasional piece of equipment they will be moving. He apologized that Mr. White heard so much noise in the last two weeks, but said it was probably coming from the dumpster trucks they had picking up the debris of cleaning out the building; he promised in a few weeks that would cease.

Mr. Dowling commented that their building off Summit and Barber roads has nice landscaping and they have shown how they can turn a basic building into an attractive piece of property; he is sure they would do the same with this building and property. Mr. Carneal said they just rent there and have helped the owner with renovations of different parts of the property, but they felt it was time to have their own. He also commented that being an environmental contractor they do not have a lot of junky equipment; they pride themselves not only on appearance at the job site, but their own environmental impact as they are in the public eye and need to maintain top notch quality at all times.

Chairman Spisak gave one last call if anyone wanted to speak for or against the application; no one spoke.

Chairman Spisak asked if there was any discussion from the members. Chairman Spisak asked Mr. Arters to clarify on the zoning map with regards to the district that both Tope and Cletus Streets were in. Mr. Arters said they were both paper streets, and they are residential. There was further discussion about the homes situated on both paper streets.

Mr. Easterling said he wanted it noted that he was in agreement with Mr. Dowling, in that their current property on Summit Road was well kept.

Mr. White wanted to make a comment and was again recognized by the Chairman. He talked about the flooding of Krancz and Tope. He said that the water comes from the Johnson Corners church property. Mr. White said he doesn't know why it happened after their construction, but it comes down the hill,

across the neighbor's property and onto his. He said it has washed out his pond before and goes past his property into the wetlands; passed his property it is all wetlands. Mr. White asked Mr. Corneal if he could possibly help them with that flooding issue.

Mr. Corneal said they want to be good neighbors. They work as a team and have partnered with GPD, which City of Norton has worked with, and another environmental company that has an aquatic engineer and stream and pond specialists. They told Ms. Johnson they would help her, and they just started to look at the problem; they are not quite sure what is wrong at this point. He said there is probably more than one issue causing the problems in the area, and they will be more than happy to help anyone in the area solve this issue; he will have an open door policy for the neighbors.

Mr. Arters agreed with Mr. White about the flooding on Krancz Drive coming from the church property that they did not continue to develop when the church was built. He stated that the water has been an issue for 40 years and they need to start somewhere. He feels confident that this company will stand behind their pledge to the neighbors to drain that area to the stream, to solve the flooding issues.

Chairman Spisak asked if anyone else had a comment or question; hearing none he asked for a motion of recommendation.

Mr. Easterling moved to recommend approval of Application R1-2012 to rezone property known as 92 31st Street NW/ PPN 4604304 from a B-1 District to an I-1 District by PC Resolution 7-2012. Chairman Spisak seconded the motion. ROLL CALL: Mr. Easterling –Yes; Chairman Spisak-Yes; Mr. Dowling – Yes; and Ms. Jacobs-Yes. The motion carried 4 – 0 to recommend approval.

Chairman Spisak thanked the applicant.

There was general discussion brought up by Ms. Jacobs about the trucks parking in the lot at Mitchell Plastics. Mr. Arters said they have been parked there prior to him being hired by the City. The neighbors in the audience again mentioned that it was not just during the day, but all night they hear the semis going in and out of the property. One neighbor brought up the fact that chemicals are stored by the building also. Mr. Arters said he would have to re-address what was allowed when Mitchell Plastics took over the property; he would have the Fire Department check about the chemical storage.

III. OLD BUSINESS:

Chairman Spisak asked if there was any old business.

Mr. Easterling agreed with the neighbor that complained about the notification of the meeting; he also feels it should be expanded. He thinks a sign should be erected to alert the neighborhood of a zoning change. Mr. Arters said some cities do put up signs, and understands his request to expand the notification. Mr. Dowling commented that 6 or 7 years ago, Jeff Pritchard, the Community Development Director had the code changed on notification. There was more general discussion on this subject.

Chairman Spisak inquired about DB Hartt's report, and was told it is suppose to be coming back in June.

IV. NEW BUSINESS;

Chairman Spisak advised that Mr. John Moss was accepted by Council by a vote of 4 – 3 to assume the duties of the city's new Community Development Director, and will be an ex-officio member of their Commission.

Chairman Spisak asked if there was any new business.

Ms. Jacobs said she will be absent from that meeting, as she will be out of town.

Mr. Arters advised that at the May 8th meeting they will have a Site Plan Review coming before them for Dr. Suckling on the empty lot on Cleveland-Massillon Road in front of the red house on the south side of the Digestive Wellness Center. Mr. Arters said there is a paper street that is the driveway for the red house. He advised that there have been discussions to improve that paper street but Council's Service committee does not feel it is necessary; it may go to a build design. More general discussion was had about this matter.

Mr. Arters announced they might have another rezoning coming to them in May. He said across from the Norton Fireman's Bingo on a triangular piece of property is the Rice Insurance building that is zoned I-1. He said the property beside it is zoned B-1 and an I-1 District is behind it. A family doctor practice wants to go into the building and it is not permitted in an I-1; they will ask for a B-1 District which would blend it into the next property,

Chairman Spisak asked if there was any other new business; there was no more.

IV. CONSIDERATION OF MINUTES:

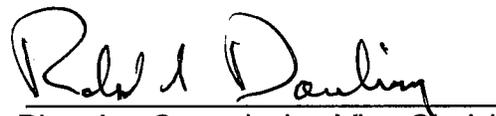
None.

V. ADJOURNMENT:

With no further business coming before the Commission, Chairman Spisak announced the next scheduled meeting would be April 24, 2012, and adjourned the meeting at 6:46PM.



Planning Commission Chair/
Vice-Chair



Planning Commission Vice-Chair/
Member



Date

PLANNING COMMISSION
AUDIENCE ATTENDANCE RECORD

The following individuals were present and wished to speak at the Meeting of the Planning Commission held on **Tuesday, April 10, 2012**

PLEASE PRINT:

NAME:

STREET ADDRESS (NO P.O. BOX):

CITY & ZIP CODE:

<u>Billy White</u>	<u>4565 KRAZOB</u>	<u>Norton 44203</u>
<u>Greg Guello</u>	<u>3750 Summit Rd</u>	<u>Norton 44203</u>
<u>Dan Golech</u>	<u>4587 KRAZOB</u>	<u>Norton 44203</u>
<u>Ann Johnson</u>	<u>98 31st N.W</u>	<u>Bombardier 44203</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signed: _____

Interim Stenographer

A SIGNED ORIGINAL OF THIS DOCUMENTATION SHALL BE FILED WITH THE CLERK OF COUNCIL.

**RESOLUTION
PLANNING COMMISSION**

Tuesday, April 10, 2012

PC RESOLUTION NO.: 7 - 2012

RE:

Application R1-2012 - Rezoning
Proposing to rezone from a B-1 District to an I-1 District
GS River Properties LLC, Owners
(Akron Building & Maintenance dba RiverReach Construction)
Shannon Carneal & Gregory Guello, Agents
92 31st Street/ PPN 4604304
Currently zoned B-1 Central Business District
[To allow the property to be used as a construction company]

The Planning Commission does hereby make the following recommendations on the above:

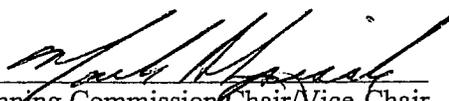
Vote on Motion: FOR 4 AGAINST 0 ABSTAIN 0

Therefore PC Resolution No. 7-2012 has been:

APPROVED X DENIED TABLED

This resolution shall be sent to:

Administration for it's action or for X it's information, and
Council for X it's action or for it's information.



Planning Commission Chair/Vice-Chair



Planning Commission Vice-Chair/Member

4/10/12
Date