

City of Norton
PLANNING COMMISSION
Tuesday, June 26, 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 6:05 p.m.

I. ATTENDANCE:

PRESENT: Mark Spisak, Janet Jacobs and John Conklin,

EXCUSED: Ralph Dowling and Richard Easterling

ALSO PRESENT: Russ Arters, Supt. of Bldg. & Zoning
John Moss, Community Development Director

II. PUBLIC APPLICATIONS: None

III. OLD BUSINESS:

Having no public applications or public hearings that evening, Chairman Spisak continued to old business.

Chairman Spisak asked for discussion about the zoning code draft.

Mr. Russ Arters, Superintendent of Building and Zoning made a comment that it was hard to look through DB Hartt's report, being that it was a different document than he expected.

Chairman Spisak had a question about Appendix A. He asked if what they were looking at seemed the same, only it was said differently on page 26. He said he didn't know how to merge the information from the two. Chairman Spisak indicated that some boxes were gray, but now they were black; he wasn't quite sure of the meaning of that.

Mr. Arters said he thought there was more detail in Appendix A than what they previously had. He felt it was identified more than in the current code. He said it separates it out more, for an example like garden apartments and town houses. Mr. Arters said he thinks it is more detail oriented.

*Planning Commission Approved Minutes
6/26/12*

by Rebecca Lukats Interim Boards & Commissions Secretary

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

Chairman Spisak said the gray boxes didn't make any sense to him. Mr. Arters said the gray boxes mean they are not allowed. Mr. Arters said that they identify a little bit more than we do in the Business District.

Mr. Arters discussed the report further and said the uses are their concern, along with trying to get different zoning classifications. They need to look at changing B-1 and B-2, so that they are not so similar. He said changing the uses and classifications has been the whole idea and purpose from the start.

Chairman Spisak said the uses in Table 2 seem to mirror each other, as the gray box areas seem to be the same. In his opinion, he feels that would make it bleed through even more, when the question is should they be permitted or should they make them conditional uses.

Mr. Arters said when Pat Ryan, Building Inspector, was here they looked at some of the distances and some of the setbacks in an overall plan. He feels DB Hartt has basically just summed everything up; he was expecting more direction.

Chairman Spisak said we can review it, but maybe they should come in and give their views. Chairman Spisak said they mentioned riparian set backs, as well as the maintenance, and he thought they were already in place. Mr. Arters said yes, they are. Chairman Spisak said maybe they were not given those attachments. Mr. Arters said that DB Hartt was given everything; they were given the book.

Mr. Arters said they did give suggestions, like to revise the current B-1 District to be a mixed use district, which is obvious. He thought they would give some guidelines in helping them do that, with examples of how you determine the classifications and what to put in each. Mr. John Conklin commented he also thought their recommendations were vague.

Chairman Spisak said it looks as though they just pointed out problems, which we are aware of, and condensed them into a couple of pages. Mr. Arters said they suggest creating a senior overlay district, which is good. Chairman Spisak said that was a suggestion at the time they did their Comprehensive Plan.

There was more general discussion about pulling the NorthStar zoning proposal from 2003 to compare the uses and what DB Hartt suggests. Chairman Spisak said they worked on the setbacks, and most of those have been implemented. Mr. Arters said the Commission worked on the dimension changes, and on page 12 it just shows what we have now. Chairman Spisak said a lot of it is done. Mr. Conklin agreed there may be good things to reconsider from the North Star proposal, as it was nine years ago and public opinion could have changed.

Mr. Arters said there are suggestions, but you still have to put that into written code in order to implement it. Chairman Spisak said that DB Hartt's Report is really an overview of the problems, and NorthStar had the answers.

Mr. Arters said he could go through and cross out the changes that have been corrected in our code, so they wouldn't dwell on issues already resolved. Chairman Spisak commented that the problem has been in trying to patch the zoning, the terms became mixed and ill defined. Mr. Arters said that is why they tried to change the zoning all at once with the NorthStar proposal. Chairman Spisak said some of the things that were in conflict back then have been addressed already, so the changes will probably in the uses, the setbacks, new zoning classifications, which are all non-controversial issues. Mr. Arters said if he remembers correctly, there were different uses and classifications spelled out by NorthStar.

More discussion had about why the NorthStar proposal was voted down. The citizens did not like the non-conforming use and the maintenance. All agreed it was a very political vote at the time.

In the end, Mr. Arters said he feels they are back to square one and must re-write the whole thing. Mr. Arters said some were pulled out and sent to Council individually, like decks. He said he could go through North Star's and cross out what has already been approved by Council, and then the Commission could compare that to DB Hartt's. More general discussion was had by the members about this idea. It was decided that Mr. Arters will drop off the NorthStar proposal for each member at his or her house to use as a tool.

Mr. Arters said he was going to have to talk with Mr. Richard Easterling about his attendance, because it will be crucial to have a full Commission review this. He said Mr. Easterling may decide to relinquish his role on the Commission, due to his illness, Mr. Arters feels it is imperative to have a full Commission to discuss this issue, besides having five votes for any applications coming before the Commission.

Mr. Moss asked what type of document DB Hartt gave them and asked if it was written code. Mr. Arters said no written code was in there, just recommendations as to what they should look at in the code to make changes. Someone suggested they should look at the scope of the project that was given to DB Hartt, for the money that was paid. Mr. Arters will look into that; he suggested DB Hartt may be waiting for them to give them the uses.

Mr. Moss asked what the objective was and if Council had to agree with it. Mr. Arters explained it to him. He said it is what they tried before with the NorthStar proposal but some citizens objected and took it to the polls by referendum. Mr. Moss referenced that DB Hartt's proposal does say it is Phase I, so perhaps there are more phases coming within the scope of the project.

Chairman Spisak said in looking at his notes from a year and a half ago, they accomplished a lot from using the NorthStar document as a tool. He listed what they have completed which were signs, riparian and storm water, site plan review, comprehensive plan, and the subdivision regulations were in place. He said what they have left is dimension regulations, use regulations, parking, conditional uses, zoning districts or adding new districts. Mr. Arters added setbacks and said that non-conforming uses are the biggest issue people do not understand. Mr. Arters explained

what a non-conforming use is and added that this is used often in the City, especially when rebuilding the same thing within six months after a fire has destroyed it.

The Chairman asked if there was any other old business; there was none.

Chairman Spisak said their PC Resolution 15-2012 was coming back from Council for them to reconsider (see attached); it will be on the next meeting's agenda. He said Council said the Commission is not allowed to make their own recommendation on an application; they are only allowed to recommend approval or denial of what the applicant is requesting. The Chairman said this was for the property on Cleveland Massillon Road and Trotter that came before them, to rezone from a R-1 District to a B-3 District. Mr. Arters explained they do not have to hear testimony from the neighbors again, unless they have something new to add. He also said the Commission is only to reconsider what zoning was requested and recommend denying or approving it to Council.

IV. NEW BUSINESS;

Chairman Spisak asked if there was any new business.

Mr. Conklin asked for an update on John Street and the Dentist office. Mr. Moss said the TIFF passed Council last night. He said that would cover 75% of the incremental value for payment of the debt cost for the roadway. Mr. Arters said they redesigned the retention basin there, so it could go either way. Mr. Moss said if the TIFF was not needed for this property it would be in place for the neighbor in the red house, should he decide to sell for commercial purposes. There was more discussion.

IV. CONSIDERATION OF MINUTES:

None.

V. ADJOURNMENT:

With no further business before the Commission, Chairman Spisak announced the next scheduled meeting would be July 10, 2012, and adjourned the meeting.



Planning Commission Chair/
Vice-Chair



Planning Commission Vice-Chair/
Member

12/18/12
Date



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MEMORANDUM

Date: June 20, 2012
To: Mark Spisak-Planning Commission Chairman
From: Dennis McGlone-Planning Committee Chairman *DJM*
Subject: PC Resolution #15-2012-Rezoning

Please be advised by this memo that on June 18, 2012 Council chose to send PC Resolution #15-2012 back to the Planning Commission for reconsideration of the following issues:

- To either *approve or reject* the applicants request to rezone from an R-1 District to a B-3 District. The Planning Commission does not have the authority to recommend alternative zonings.
- Permit the applicant to consult with the Administration and Planning Commission to learn all of the permitted uses within the current zoning code to better meet their needs.
- Allow the applicant to reapply for another rezoning request at no cost should they feel inclined to do so.

Please feel free to contact me if you have any questions or concerns.

/kr
Attachments

Distribution:
Planning Commission Members
Council Members
Mayor Zita
John Moss, Finance Director
Peter Kostoff, Law Director
Russ Arters, Supt. of Building & Zoning
Dave White, Municipal Engineer
Ann Campbell, Administrative Assistant
Becky Lukats, Boards & Commission Secretary