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

I. ATTENDANCE:

PRESENT: Mark Spisak, Ralph Dowling, Janet Jacobs and John Conklin

EXCUSED: **Richard Easterling and Russ Arters, Supt. of Bldg. & Zoning**

ALSO PRESENT: John Moss, Community Development Director

II. PUBLIC APPLICATIONS:

A) **Reconsideration of Application R3-2012 Rezoning:**
Proposing to rezone from a R-1 District to a B-3 District
for the property known as
4331 Cleveland Massillon Rd/PPN 4602054
Grace Property Investments, Ltd, Owner,
Laura & Fred Lindquist, Agents
Currently zoned R-1 Residential District
[To allow the building to be used an Auto Service Garage]

Chairman Spisak explained that the reason for the reconsideration was that when the Commission had this application before them on June 12, 2012 they recommended a different zoning than the applicant requested. The recommendation was sent on to Council by PC Resolution 15-2012. Council has sent this application back to their Commission for reconsideration. Council has advised that the Commission is not allowed to recommend a different zoning; they are only allowed to recommend approval or disapproval on the zoning requested by the applicant on his application. Chairman Spisak said that the Commission realizes that the auto service garage is no longer being considered.

It was established that the neighbors were again notified via first class mail as required per section 6.03 of the City Charter.

Chairman Spisak asked the applicant if he had any further information to offer, and if so stand at the podium and address the Commission.

Fred Lindquist, Owner, said he wanted to refresh their memory of the building and asked if he could show them five photos of the building, (see attached). He said on the outside it is mostly a warehouse with 8,000 square feet and on the inside it is 1100 square feet. He said For a B-2 District, there are not many applications that this building can be used for. Mr. Lindquist said if you look at B-3 District Zoning, there are many things the building can be used for.

Mr. Lindquist explained the photos. He said the first photo is of the outside, the next shows a pillar or obstacle, which he supposes there could be a wall added there for showing. He said you can't use that space for anything other than putting a desk there or it could be used for counter space. He said there was a small office behind that in the back, about 200 feet. He reminded them that there is only 1100 square feet inside the building and part of that space has two toilets and a commissary that has a refrigerator.

Mr. Lindquist said the fourth photo is inside looking from of the warehouse looking the length of the building, showing that it can be used for something that needs a high ceiling. The last photo shows the power source for the building. He said he has owned it since 2001, and there is 440 amp 240 volt 3 phase electric available. He commented that electricity has been used a long time for woodworking even before he bought it. He said that he knows at one time, it was a machinery shop, which would require that kind of electricity source. He has been trying to rent it, but with a B-2 zoning it is a hardship. He has been approached for leasing the building for an Entertainment Device Arcade, someone wanting to make statutes that would use a lot of electricity, and a drywall supply house. He said he couldn't even put a Conrad's in there because of the B-2 zoning. Mr. Conklin asked him why he didn't find out that it was residential. Mr. Lindquist said even on the county tax records it is listed as commercial, checking their records as far back as he could go. He said the Commission needs to take another look at its past use.

Mr. Lindquist asked the Commission if they had any questions for him; they had none. Chairman Spisak thanked him.

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

Milton Ellis of 3223 Trotter Road, Norton, Ohio said he lives at the first house on the left going down Trotter. He said it amazed him that the City of Norton would allow a building to go in a residential area. He said it was built in the 1970's when the City had all sorts of committees place to control this. Mr. John Conklin asked if this building could possible have gone up during the time the City had no zoning in place; Mr. Ellis did not know. There was further discussion.

Mr. Ellis said he wanted to build pole building, a 24 foot by 40 foot in 1974. He was told by his Councilman at the time to go ahead a start the building, then come in for a permit; he did not do that. He said he came in before he started the project, and ended up changing the size of the building. He said he knew that what his Councilman told him was not correct but that was the way they did things back then.

Mr. Ellis commented on the grass only being mowed twice a year and in the past there has been lumber stacked very high on the property. His concern was why they can't keep it zoned the way it is now. He said that the neighbors want something in there with regular hours; not a business working through the night until 10:00P or 10:30 PM.

Chairman Spisak thanked him.

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

Allen Morrison of 3212 Trotter Road, Norton, Ohio, said he lives two doors down directly behind Mr. Lindquist's building. He said he understands Mr. Lindquist's concern to rent his building, but he also has concerns for the residential area it is in. Mr. Morrison wondered if they can have something that is controlled per hour for their residential area. He said what he meant was that whatever goes in there should have regular business hours, for the consideration of a residential neighborhood.

Chairman Spisak thanked him.

Chairman Spisak asked for the third time if anyone wanted to speak for the application.

Sandra Carr, said she lived right next door in the big red house; she lives the closest to the property. She does not want a car repair shop going into that building, with its noise and mess; she just can't live with that.

Chairman Spisak thanked her.

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

Richard Carr of 4321 Cleveland Massillon Road, Norton, Ohio, said he lives at the corner of Cleveland Massillon Road and Trotter. He said he heard rumors that a car repair shop was going into the property. His concern is that there would always be cars parked around, including in the street. He said this situation would be whether they would be waiting for repair or already repaired. He fears the traffic congestion would be a mess, because there are not enough

parking spaces for that type of business, so they would have to use the street for extra parking.

Chairman Spisak thanked him.

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

Kay Hardesty said she lives close. She said you don't put a car repair place in a nice residential area; it degrades and cheapens the neighborhood. She said it takes away from the neighborhood and she would be quite disappointed if it was allowed. Ms Hardesty said it was one thing to have it next door when the business was in full operation, in contrast to how nice it looks now with no business in it; she is against changing it.

Chairman Spisak thanked her.

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

The Chairman asked if the members had any questions or wanted any discussion.

Mr. Ralph Dowling said if they leave the zoning the way it is, and not rezone it as was discussed at the last meeting, it is a building that will not be used. He said if they do not rezone it from the R-1 District, the owner would have a building that is useless. He said it would be a building that can not be marketed and it will probably just deteriorate to the point of it falling down or will have to be torn down. He said they tried to suggest it be zoned B-2 or B-3. Mr. Dowling said after having the Resolution returned to them from Council saying it has to be approved or denied as a B-3 as submitted by the Applicant, it has to be addressed as a change to a B-3 District. He said the Commission has to determine what the most appropriate use for the building is. Mr. Dowling seemed to think it was more appropriate for some light industrial use; otherwise someone would have to invest a huge amount of money to change it. In Mr. Dowling's opinion, he feels since they are only a recommending Commission that they should approve the B-3 Zoning and let Council deal with the bigger picture for the City; the neighbors can go and express their thought to Council.

Mr. Conklin was concerned that the current owner of the property did not know that the property was in a R-1 District, since it has been leased to several businesses. He talked about mowing of the grass on a regular basis. He said he had to agree with Mr. Dowling that it could become an eyesore if the zoning doesn't change. Mr. Conklin said they tried to suggest a B-2 zoning, but Council sent it back saying they are only a recommending body. He said he is in agreement to change it to B-3 and let Council have the final say.

Chairman Spisak commented that is in on Cleveland Massillon Road which is City's main thoroughfare and it adjoins Industrial zoned property, so to him it is not that much of a stretch to get to a B-3 District zoning. The said that the R-1 District zoning was inherited, so he feels it is a logical thing to do; it is not creating a hardship to make it a B-3 District.

With no other comments from the members, **Chairman Spisak moved to recommend approval to change the zoning from a R-1 District to a B-3 District for the property known as 4331 Cleveland Massillon Rd/PPN 4602054, Grace Property Investments, Ltd, Owner, Laura & Fred Lindquist, Agents by PC Resolution 16-2012. Mr. Dowling seconded the motion. ROLL CALL: Chairman Spisak-Yes; Mr. Dowling – Yes; and Ms. Jacobs-Yes; and John Conklin – No. The motion carried 3-1.**

The Chairman thanked the applicant and told him it now goes to Council. Chairman Spisak said Mr. Lindquist would be notified by the Clerk as to when it goes for a public hearing for Council to consider.

III. OLD BUSINESS:

Chairman Spisak continued to old business with discussion of the zoning code draft. The Chairman asked if everyone got their copy of the 2003 NorthStar proposal; they did not get it from Mr. Russ Arters, Superintendent of Building and Zoning.

The Chairman just mentioned that the basic topics for conversation would be the non-conformities, uses, parking uses and conditional uses. He said he would get those copies made for each member to review. Mr. Conklin asked if that was the only four topics they were to concentrate on for review. Chairman Spisak said there were five topics to discuss, which also included landscaping regulations. The Chairman said the NorthStar proposal was pretty comprehensive, so they just need to each review it and then go over it together.

Chairman Spisak talked with Mr. Pete Kostoff, the Law Director, and he checked with DB Hartt about the scope of the contract. Mr. Kostoff said the contract does allow DB Hartt to come back in. The Chairman said they will probably get their questions and comments together and then have a group meeting with DB Hartt that would maybe include Council, or at least the Planning Committee of Council.

Chairman Spisak explained that Mr. Arters was absent from the meeting that night because of unexpected dental work done that day and the secretary was out on vacation.

Mr. Ralph Dowling had a question about zoning. He said the City's B-3 District is referred to as a highway type of zoning, the property close to the interstate is an example; he said he needs to take a look at what NorthStar did previously. Mr. Dowling wonders if they changed the B-3 District to some other named district, how that would effect existing uses in a B-3 District. He referenced what Mr. Conklin said about the previous application they heard, and how Mr. Conklin did not know how a person could buy a property and not know it was zoned in a R-1 District. Mr. Dowling said another example that came before them was Mulchmakers that had two different zonings on the property. He said it did not permit the business they had in there because the front was zoned differently than the back, and they did not know it.

Mr. Conklin asked if they were having those issues because they have no zoning map. He said currently no one can walk in and find out what their property is zoned until they speak with Mr. Arters. Mr. John Moss, Community Development Director, said that was correct and sometimes he has to look it up. There was discussion if the GIS (geographical information system) on the county's website had the current zoning. Mr. Moss said it does not, because the County does not supply an overlay.

Mr. Conklin said his second concern is when they finally get to the point of the rezoning of Cleveland Massillon Road, are they going to have more instances as to what they saw with this evenings application. He said once they rezone the Cleveland Massillon corridor to business, will people living off on Shellhart and Norton Acres start coming to the meetings saying they did not think they were going to have a Pep Boys oil right beside their property. He said this would be especially so with split zoning on parcels.

Chairman Spisak said that is quite possible, but their job is to look at the City as a whole in its growth and to plan the zoning areas for development, rather than have it planned due to development.

The members had more general discussion about zoning, regarding zoning restrictions and antiquated verbiage. There was a comment that signage and maintenance codes have been put into place since the NorthStar proposal.

General discussion was had about the zoning of the old Hunky Dory business off of Cleveland Massillon Road, and the property at the corner of Weber and Cleveland Massillon Road.

IV. NEW BUSINESS;

Chairman Spisak asked if there was any new business.

The Chairman said Mr. Richard Easterling called Mr. Ryland to say he was going to resign his commission due to health reasons. Chairman Spisak said if anyone had a recommendation, it is a Ward I position that is appointed by the Mayor.

IV. CONSIDERATION OF MINUTES:

None.

V. ADJOURNMENT:

With no further business before the Commission, Chairman Spisak announced the next scheduled meeting would be July 24, 2012, and adjourned the meeting.

Planning Commission Chair/
Vice-Chair

Planning Commission Vice-Chair/
Member

12/18/12
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, July 10, 2012**

PLEASE PRINT:

NAME:	**STREET ADDRESS** (NO P.O. BOX):	**CITY & ZIP CODE:**

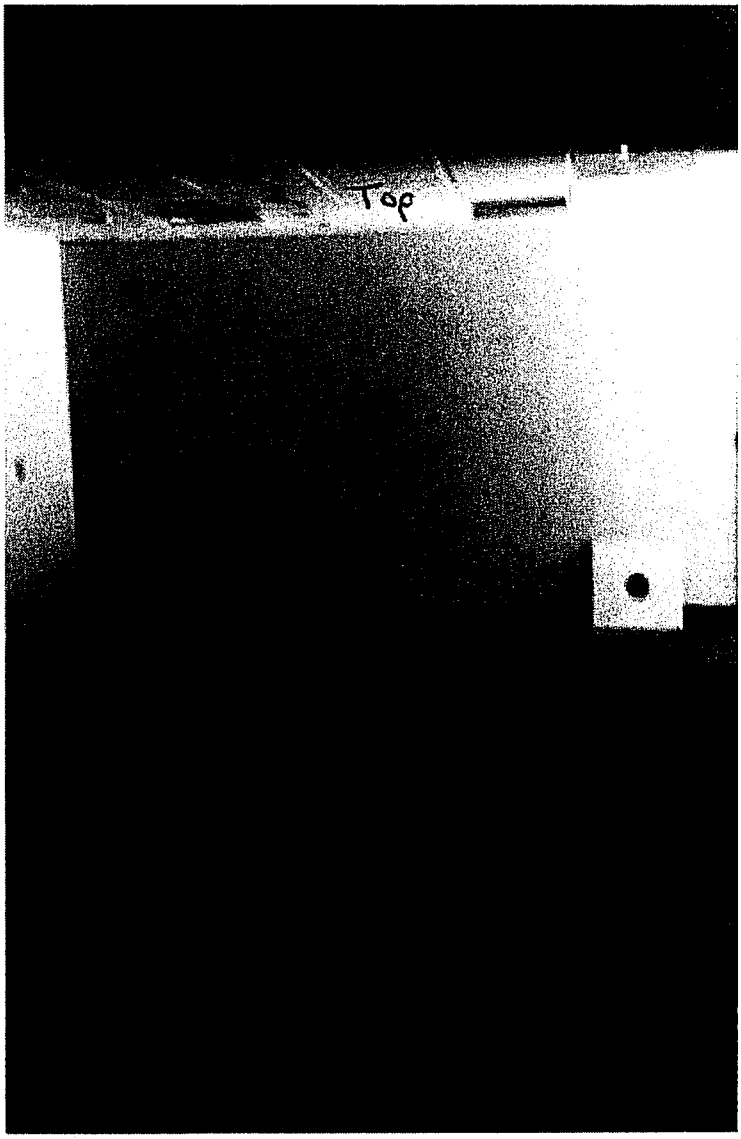
Meeting attendees:

Print name	Signature
Fred Lindquist	
Milton E. Ellis	
Allen Morrison	
Richard J. Carr	
Kay Hardisty	

PC
7-10-12 @ 6Pm

Signed: _____
Interim Stenographer

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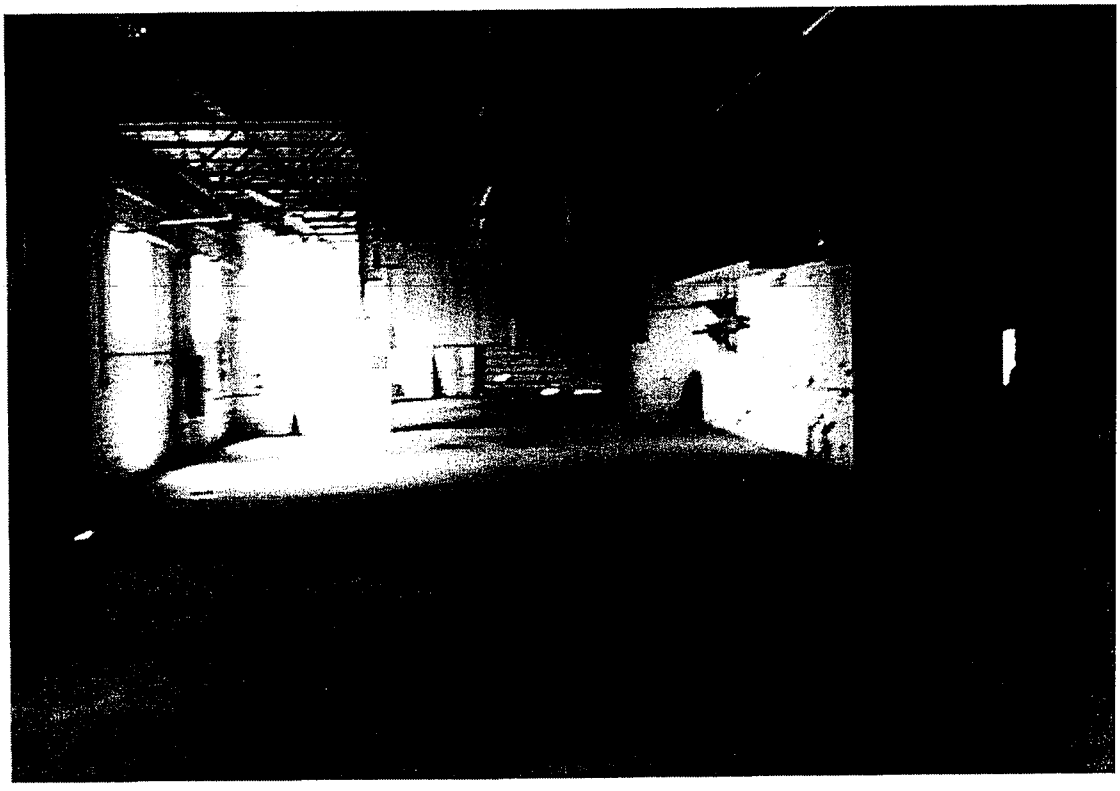

RESOLUTION
PLANNING COMMISSION

PC RESOLUTION NO.: 16-2012

RE: APPLICATION R3-2012
REZONING
PPN: 460 2054

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

Vote on Motion: FOR 3 **AGAINST** 1 **ABSTAIN** 0

Therefore PC Resolution No. _____ 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 ___ it's action or for X it's information.

Planning Commission Chair/Vice-Chair

Planning Commission Vice-Chair/Member

7/10/12
Date