



Planning Commission Memorandum

To: Karla Richards, Clerk of Council

From: Rebecca Lukats, Interim Boards & Commissions Secretary

A handwritten signature in black ink, appearing to read "RL", is positioned to the right of the "From:" line.

Date: 3-6-2013

Re: Approved/Signed Planning Commission Minutes:
Thursday, January 24, 2013

Attached you will find a copy of the approved/signed minutes from the Planning Commission meeting held on the above captioned date.

Please note that the original documents have been forwarded to, and will be on file with the Clerk of Council as the official record.

E-mail: Mayor
Administrative Officer
Law Director
Finance Director
Council

Planning Commission
Board of Zoning & Building Appeals
Engineer
Supt. of Building & Zoning

Police Chief
Fire Chief

cc: App. File/Posting

City of Norton
PLANNING COMMISSION
Thursday, January 24, 2013

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, and Janet Jacobs

EXCUSED: Scott Testa

ALSO PRESENT: Russ Arters, Supt. of Bldg. & Zoning and
Mayor Mike Zita

II. PUBLIC APPLICATIONS:

- A) Application R1-2013 - Rezoning
Proposing to rezone from
an R-1 District to a B-2 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 for lease to a
Plumbing 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.

Mr. Fred Lindquist, 5432 Taylor Road, Norton, Ohio 44203, said that ABC Plumbing and Drain was interested in leasing the building for their business. He said they have been in business for 50 years and will use it mostly as an office building as well as to store equipment inside, including their trucks. He said they will have normal hours of operation; Monday through Friday and an occasional Saturday from 8:00AM to 5:00PM.

He said they are from the Mogadore area and are a family-owned business. He said it will be a quiet business for that neighborhood.

Chairman Spisak asked if the Commission members had any questions for the applicant.

Mr. Ralph Dowling asked how many employees they will have. Mr. Lindquist said up to 10 employees in the summer, with less in the winter when business slows down. Mr. Dowling stated that parking spaces for employee's cars would not be an issue then; Mr. Lindquist said that was correct.

Mr. Dowling said he has seen the doors open and it seemed like they have moved some things in. Mr. Lindquist said they have put some storage racks up and plan to upgrade the door by tearing it out and putting in a taller one for their trucks. Mr. Lindquist said they plan to make some other improvements to the property. Mr. Dowling commented that it was one of the prior complaints of the residents, that the property was not well maintained. Mr. Dowling asked what the plans were for the saw dust wench. Mr. Lindquist said their game plan was to put a door on it and use it for storage.

Mr. Russ Arters, Superintendent of Building and Zoning, told the Commission members that he did not realize they had a plumbing part to their business when he talked with Mr. Lindquist about his leasing the building to them. Mr. Arters said he thought by now, the City would have their uses reclassified. He said at the end of last year when Mr. Lindquist and he talked, he was thinking about it being used for storage and office space. He said he agreed with Mr. Lindquist that it was a good fit for the building and area, and that our uses would change to allow this more so in an B-1 or a B-2. Mr. Arters discussed other current operating businesses in the City that should be a B-2 zone that are not. He said this type of business for storage and an office is not a high-end business/industrial use. Mr. Arters said there is no machinery to generate clanging or banging. Mr. Arters said once the uses are changed, it will all fall into place within the City. He said they offer a specialty service, as they specialize in drainage. He said because you can not go there to purchase plumbing material or go in to shop, that was why he shifted it to a B-2 District zoning, categorizing it as a professional service.

Mr. Dowling stated in Section 1376.02 it does mention a repair shop, which in his opinion is similar to this type of business. He said it is not on site, but they actually go to the customer to do the repairs.

Mr. Arters said pending approval; he has allowed them access to the building. He said they have been in there 3 or 4 weeks now and he has not heard any complaints nor had any phone calls of complaint. He said all indications from the last meeting regarding this property leaned towards changing the zoning to a B-2, so that is why he suggested this zoning classification. Mr. Arters said he has been trying to work with them, but their biggest obstacle is their septic system. He said they need to get it identified as to its location and what the options are to get that resolved. He said once that is done and they get to the site plan portion, they obviously have to have the trash dumpster enclosed. Mr. Arters suggested that they could use the area where the sawdust bin is, to enclose and use as a trash enclosure, as well as for storage.

The Chairman asked if the nature of the business would be to stack anything outside; Mr. Arters said no, it would all be stacked inside.

Mr. Dowling asked if there was City water. Mr. Arters said no, they have a well and they have one multi bathroom. Mr. Lindquist added that there will only be 3 people in the office at all times, all the other employees are out on site. Mr. Arters said it would be low septic usage, so that is why they are not pushing it; it will, however, have to be addressed. Mr. Dowling asked if there seemed to be an issue with the septic system. Mr. Arters said no one seems to know, but he has talked with the brother of the business owner, which is the person that will be handling the issue.

Ms. Janet Jacobs asked if there was sanitary sewer across the street. Mr. Arters said the Woodbine Building across the street has two grinder stations that route it up to tie into the sanitary sewer at Milich's Restaurant. Mr. Dowling said if they have a problem, then they are limited to what they can do. Mr. Arters said if they have a problem, they could probably put in a small grinder to tie-in to the other side. He said in his opinion, he doesn't think it would be an issue, but an engineer would have to approve it.

Mr. Dowling asked about the sign currently on the building. Mr. Arters said they overstepped with the sign. The owner's brother contacted him about a pole sign out by the street, but he told him the one on the building is enough for now. He told them after all is approved, they could come in to talk about a pole sign. There was more discussion about where the pole sign could be located on the site.

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

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

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

Chairman Spisak asked for a motion.

Mr. Dowling moved to recommend the rezoning of the property known as 4331 Cleveland-Massillon Rd/ PPN 4602054 from an R-1 District to a B-2 District by PC Resolution 1-2013. Ms. Jacobs seconded the motion. ROLL CALL: Mr. Dowling – Yes; Ms. Jacobs-Yes; and Chairman Spisak-Yes. The motion carried 3 – 0.

Chairman Spisak thanked the applicant.

III. OLD BUSINESS:

Chairman Spisak said general discussion of the zoning code was on the agenda for old business.

Mr. Arters said that he and Chairman Spisak met a little over a week ago to generally discuss whose City codes they would like to use as models when discussing the zoning code changes. They both agreed that the City of Wadsworth was a good guideline for uses for the City. He suggested that they keep the zoning classifications the same, but change the uses to be more defined. He said they would need to compare and cross-compare. He suggests they put in conditional uses in B-1 and B-2, instead of coming up with new classifications for the whole city. Mr. Arters said he was discussing it with the Mayor and said that most of the City's interchanges were already zoned B-2 and B-3. They concurred that if they could get their uses streamlined with the interchanges, they could come up with a good plan for what has already been zoned. Mr. Arters said he realized that Mr. Testa was not there that evening, but said that the 5th member should be on board by the next meeting; his hope is to start the rezoning process at that time. He said he was open to their suggestions, but said he liked the way NorthStar's report showed a table with the uses and zoning classifications across it, along with permitted or conditional uses; it is more user-friendly.

Mr. Dowling said he had looked at the City of Bath's also, and said it looked similar to the way NorthStar did theirs. He said they have conditional permitted uses, but they have an intensive commercial district. Mr. Dowling said his concern with the City's current zoning is that it reflects business types from 50 years ago and no one has changed it. The code specifies businesses like shoe repair places that have become almost obsolete; he feels they must modernize the codes. Mr. Arters suggested they could open the code up a little more by adding conditional uses to the B-2 District.

Mr. Dowling said he looked at the City of Wadsworth's, but did not look at their zoning map. He said that their code is similar to ours, as they seem to have step zoning. Mr. Arters agreed saying that they take all of the permitted uses and the farther you go through their uses, it narrows down to 4 or 5. Mr. Dowling said he did notice that on their residential code, he struggled with their terminology of what the difference was between high density, medium density and low density. Mr. Arters explained that it deals with subdivisions and the consolidation of multi-family dwellings. Mr. Arters said low density means the number of people in a confined area. Mr. Arters said that in our code we have a Special Planned Development for subdivisions that is an overlay; it is laid on top of residential zoning.

Mr. Arters said the City's residential is pretty good; maybe needed to change one or two things in it. He said he likes the fact that churches are in residential zoning, unlike Wadsworth code where they are in commercial zoning. Mr. Arters said he doesn't like it that a church could be beside a manufacturing plant.

Mr. Dowling said he was going to go online to check out the City of Wadsworth's code further and wondered if it was in a pdf format. Mr. Arters said he didn't know, but it is 148 pages long.

Mr. Dowling said he did not look at DB Hartts report, as he felt it was too confusing. He asked if there were 50 different applications for a business area, should they try to generalize it broader and fit it into the table format or would they just have 50 different definitions.

Chairman Spisak said he liked Wadsworth's in that it has a phrase " ...other uses that are determined by the Planning Commission to be clearly similar in character." Chairman Spisak said it kind of opens up the door for classification. He said he really liked the City of Wadsworth's definitions. Chairman Spisak said if the definition of a new type of business, one that is not in existence now, would come before them, this open door would allow the judgment of the PC to define what zoning district to place it in.

Mr. Arters said since there were only three members that night, he just wanted to generally discuss how they wanted to proceed with the zoning changes. Mr. Arters said that Mr. Rick Ryland, Administrative Officer, told him that they are willing to have DB Hartt come in to talk with the Commission at one of their meetings. Mr. Arters said in his opinion they need something in place before that visit occurs. Mr. Arters thinks that once they have their uses defined within the classifications, which would include conditional uses, they would have a workable document that DB Hartt could comment on and give them advice on proceeding with the dimensions; the Commission members agreed.

Mr. Dowling said he liked the layout of the City of Bath's better than the City of Wadsworth's, because it is on one sheet and it overlaps. He said he likes the City of Wadsworth's definitions better and will try to condense all of these to an excel spreadsheet in order to review it in summary, instead of trying to look at 15 pages for comparisons.

Chairman Spisak thought that in comparison to DB Hartt, NorthStar had a better way of charting it and the City of Wadsworth had a better way of how to approach it by adding on to it; Mr. Arters agreed.

Mr. Dowling said while driving through Bath, he tried to check out what types of multi zoning they had down the corridor of State Route 18, and how that applied to Norton's corridor; more discussion followed.

There was discussion about zoning for the plaza that Medicine Shoppe is in; Mr. Arters said it is zoned B-2 and is considered a medical facility plaza. There was discussion about the dialysis center that went in to that plaza. Mayor Zita added they don't do dialysis there. Mr. Arters said no, it is a training center that they train people how to do their dialysis in-home. More discussion was had about the quantity and types of dialysis centers that are in the surrounding area.

Chairman Spisak commented that the City of Wadsworth has a Prohibitive use class. He said he didn't know if it is a class they want to consider, but gave examples for that class as outdoor furnaces, gravel pits, junkyards, or auto wrecking. Mr. Arters said we have sort of an auto wrecking with Jeff's Towing. Mayor Zita added that it is more of a salvage business. Mr. Arters stated that there is nothing stated if you want to get rid of that type of business. Chairman Spisak said the ones in the city now would be

grandfathered in. Mr. Arters added that once they are gone, they would be gone. Mr. Arters suggested that there would be nothing wrong to add no salvage yard into the prohibitive uses. There was more discussion about prohibitive uses like manufacture of explosive materials, basement homes, and mobile home placement, except in a park as Mr. Arters said they were stricter on their uses.

Mr. Dowling asked about the current zoning of Englefield Oil located at St Rt. 261 and St. Rt. 21 and discussed their storage of oil products, etc. Mr. Arters said they do have storage up there, it is in a B-3 District, but it also has a fire district around it. Mr. Arters said they might want to keep it in B-3, but keep it as a conditional use.

Chairman Spisak said there is an Architectural review in their code; Mr. Arters said that many places have that now. Chairman Spisak said that right now it is left up to the Planning Commission. Mr. Arters said yes, but that they could set guidelines for it, because right now our laws state that it has to concur with what is in the neighborhood. Mr. Arters said they may want to stay away from it except roof-wise. He said that is because it has become quite popular to use a tin roof now, like the house currently being built on Greenwich Road.

Chairman Spisak had questions on the C-Rec District in our code. Mr. Arters said C-Rec would be for golf courses and parks. Chairman Spisak said there are two classifications now for them, C-Rec and Public Rec; Mr. Arters commented that he has never done a PRD (Public-Rec District). Mr. Arters thought everything was under the C-Rec District. Mr. Arters said it would be something to look at and discuss to either get rid of one or combine them.

Mr. Dowling said that under definitions, he planned to look closely at the City of Wadsworth's. Mr. Arters said they needed to look at those and the uses; they could add to their code, but reminded them if they added it would have to be referenced throughout the code where needed. Mr. Dowling commented that in our code, they reference back to another section, but in Wadsworth's they did not seem to reference it back. Again, Mr. Dowling said he would try to work up a spreadsheet.

Mr. Arters discussed a Public Recreation District, as being sort of like Silver Creek Metro Park where they have education centers, etc. He said you then have playgrounds, picnic grounds etc. in C-Rec, with tennis courts and football fields in a Public-Rec; it would be better to simplify it. Mr. Arters said that currently his zoning map does not have any reference to a Public-Rec District, color wise or anything.

Chairman Spisak went on to discuss conditional uses and that they can only give a conditional use in a B-3 District. He said that seemed a little peculiar that it did not include a B-2 District, because it would be easier to give a conditional use rather than to go through a zoning classification change.

Mr. Arters summarized by saying that they have NorthStar, Bath and Wadsworth to review. He said in his opinion that was enough to look at because any more than that would be confusing. Mr. Arters said that if they come up with uses, and Mr. Dowling creates a spreadsheet to share, that would be a good guideline for starters.

Chairman Spisak said in his opinion Bath's uses were fine, but the rest of the document seemed very tedious. Mr. Dowling said he liked their flow chart and felt that they need a good overview for applicants when they come in to file, so they do not get frustrated.

Mr. Dowling said he could not figure out the City of Barberton's and said that nothing matched with ours. Mr. Arters agreed commenting that they have too many zoning districts, probably have 12 or 13. Chairman Spisak added that it was probably structured like ours, where it was added to and added to. Mr. Arters said the City of Bath's is similar to ours. Chairman Spisak said he felt the City of Wadsworth is like a mirror city to ours; Mr. Arters agreed.

Chairman Spisak asked for any other old business.

Mr. Dowling asked about the Internet café on Greenwich regarding the dumpster. Mr. Arters said he drove by, but forgot to check it out. He does not think it is enclosed yet, but it is in the back. Mr. Arters said he would have to stop and ask them; they could put a fence around it. There was further discussion about how busy that business was.

Chairman Spisak asked if there was any other old business; no one spoke.

IV. NEW BUSINESS;

Chairman Spisak asked if there was any new business.

The Commission members were asked if they accepted the 2013 tentative meeting schedule. Chairman Spisak said yes, it was accepted and the secretary could go ahead and distribute it.

IV. CONSIDERATION OF MINUTES:

Chairman Spisak said they would postpone the consideration for May 8th, 2012 meeting minutes, as they were not yet completely transcribed.

Chairman Spisak moved on to consider the minutes from September 11, 2012, and asked if there were any additions or corrections to the minutes. **Hearing none, Chairman Spisak moved to accept the minutes as written; seconded by Ms. Jacobs. ROLL CALL: Chairman Spisak-Yes; Ms. Jacobs-Yes; and Mr. Dowling – Yes. The motion carried 3 – 0 to accept the minutes.**

Chairman Spisak moved on to consider the minutes from October 10, 2012, and asked if there were any additions or corrections to the minutes. **Hearing none, Chairman Spisak moved to accept the minutes as written; seconded by Ms. Jacobs. ROLL CALL: Chairman Spisak-Yes; Ms. Jacobs-Yes; and Mr. Dowling – Yes. The motion carried 3 – 0 to accept the minutes.**

Chairman Spisak moved on to consider the minutes from December 18, 2012, and asked if there were any additions or corrections to the minutes. **Hearing none, Chairman Spisak moved to accept the minutes as written; seconded by Ms. Jacobs. ROLL CALL: Chairman Spisak-Yes; Ms. Jacobs-Yes; and Mr. Dowling – Yes. The motion carried 3 – 0 to accept the minutes.**

V. ADJOURNMENT:

With no further business before the Commission, Chairman Spisak announced the next scheduled meeting would be February 12, 2013, and adjourned the meeting at 6:41PM.



Planning Commission Chair/
Vice-Chair



Planning Commission Vice-Chair/
Member

3/5/13
Date

**PLANNING COMMISSION
AUDIENCE ATTENDANCE RECORD**

The following individuals were present and wished to speak at the Meeting of the Planning Commission held on **Thursday, January 24, 2013**

PLEASE PRINT:

NAME:

STREET ADDRESS (NO P.O. BOX):

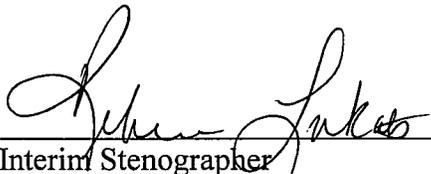
CITY & ZIP CODE:

Fred Lindquist

5932 Taylor Rd

Norton 44203

Signed: _____


Interim Stenographer

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

**RESOLUTION
PLANNING COMMISSION**

Thursday, January 24, 2013

PC RESOLUTION NO.: 1 - 2013

RE: *2013*
Application R1-2013 - Rezoning
Proposing to rezone from a R-1 District to a B-2 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 leased to a
Plumbing Company.]

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

Vote on Motion: FOR 3 AGAINST 0 ABSTAIN 0

Therefore PC Resolution No. 1-2013 has been:

APPROVED ✓ DENIED TABLED

This resolution shall be sent to:
Administration for it's action or for ✓ it's information, and
Council for ✓ it's action or for it's information.

Mark H. Smith
Planning Commission Chair/Vice-Chair

Robert D. Daulton
Planning Commission Vice-Chair/Member

1/24/13
Date

Sharon L. Lusk
Interim Boards and Commissions Secretary