



Planning Commission

Memorandum

To: Karla Richards, Clerk of Council

From: Pam Campbell, Interim Boards & Commissions Secretary *pc*

Date: 4-24-2013

Re: Approved/Signed Planning Commission Minutes:
Tuesday, March 26, 2013

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

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
Tuesday, March 26, 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 6:02 p.m.

I. ATTENDANCE:

PRESENT: Mark Spisak, Ralph Dowling, Scott Testa, Dan Grether
and Larry Chiavaroli

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

Chairman Spisak welcomed Dan Grether to the Commission and said they appreciate him serving the City in another capacity. (Mr. Dan Grether was a member of the City's Board of Zoning and Building Appeals and served as their Chairman up until 2-28-13, when he asked to be placed on the Planning Commission.) Mr. Grether thanked the Chairman.

II. REORGANIZATION AND ELECTION OF OFFICERS:

Chairman Spisak asked if there were any nominations from the floor for Chairman. Mr. Ralph Dowling moved to nominate Mark Spisak as Chairman for 2013; Mr. Spisak said he would be happy to serve as Chairman. Chairman Spisak asked if there were any other nominations from the floor. Mr. Grether said he too wanted to nominate Mr. Spisak. Chairman Spisak asked if there were any other nomination from the floor for Chairman; hearing none, he closed the floor to nominations and asked for a vote by roll call for himself as Chairman. **ROLL CALL: Mr. Dowling, Yes; Mr. Grether, Yes; Mr. Testa; Yes; Mr. Chiavaroli, Yes; and Chairman Spisak, Yes. The motion carried to appoint Mark Spisak as the 2013 Planning Commission Chairman and was approved by a vote of 5 - 0.**

The 2013 Chairman Spisak continued with the meeting and asked if there were any nominations from the floor for Vice-Chairman. Mr. Grether moved to nominate Mr. Dowling as Vice-Chairman for 2013; Mr. Dowling said he would accept the nomination. Chairman Spisak asked if there were any other nomination from the floor for Vice-Chairman; hearing none, he closed the floor to nominations and asked for a vote by roll call for Ralph Dowling as Vice-Chairman. **ROLL CALL: Mr. Grether, Yes; Mr.**

Testa; Yes; Mr. Chiavaroli, Yes; Chairman Spisak, Yes; and Mr. Dowling, Yes. The motion carried to appoint Ralph Dowling as the 2013 Planning Commission Vice-Chairman and was approved by a vote of 5 - 0.

III PUBLIC APPLICATIONS: None

III. OLD BUSINESS:

Having no public applications or public hearings that evening, Chairman Spisak continued to old business for general discussion of the City's Zoning Code.

Chairman Spisak gave new member Mr. Grether a brief history of what the Commission has been trying to do with changing the zoning code. He said it all started with looking at the rezoning of the Cleveland-Massillon Road corridor, and they found that they have no set backs for business classifications. He said before they rezone the center of the City, they felt they should get their regulations inline as far as setback requirements go, etc. The Chairman said when dealing with the setback issues, the members found that the uses in place have now become antiquated, circa the 1960's. The members will have to decide definitions for business types that should be in place, as well as for current uses for properties in the City. He said they will then separate them into the different classifications using what the City already has in place, but they may add to it. He said the definitions will then be updated.

Chairman Spisak said Mr. Dowling has been kind enough to draft a chart of uses and a place to mark what classification they should be in; each member was handed a chart that evening. Chairman Spisak said that they are trying to construct these changes in a chart form, and have used Bath Township's Zoning as a sample to go by. He said the City's current uses and classifications are in written form, not defined by a chart. The Chairman said you are constantly flipping from one page to another in the code just to find classifications and the uses allowed within that classification. Chairman Spisak explained to Mr. Grether and Mr. Chiavaroli that the Commission is trying to simplify this by using a chart, which is easier to read and make determinations from.

Mr. Dowling said he used Bath Township's zoning and picked up some from the City of Wadsworth's code, which is similar to Norton's. He said Bath's had a table to determine conditional or permitted uses. Mr. Dowling said when you review our City's code; he always had trouble with interpreting what the requirements were and what fit where; he thinks this is a more logical approach. He said he put some things in as conditional uses, so it makes it more flexible when they come in to talk to Mr. Russ Arters, Superintendent of Building and Zoning.

Mr. Arters said they only have about 3 or 4 conditional uses in our code, saying it is actually tough for people to use it; most are about storage buildings. He said the members should think about the zoning classification for mini storage units, as there are many cities putting them out into residential areas more and more. He said doing that does keep industrial and business properties available, but he doesn't know which way would be best. He gave an example of the mini storage business located at the corner of Hametown and Greenwich Roads that is not good for anything else now because of those units. More discussion followed about storage facilities.

Planning Commission Approved Minutes

3/26/13

By Rebecca Lukats Interim Boards & Commissions Secretary

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

Mr. Arters talked about auto body painting businesses and said they are zoned B-3, which is fine or maybe put them in an I-1 District. In his opinion, he thinks it should stay that way, because they should want to keep it out of the center of town, as that type of business is more of an industrial use. He also noted that Wadsworth and Bath have more conditional uses than our City has.

Mr. Grether asked if their objective was to define as to where something like those storage facilities would go, or to allow them as a conditional use.

Mr. Arters said our uses are so small and not as defined as Bath or Wadsworth's are. He said with theirs you have a use, find it in their city's code, and there is no interpretation involved.

Mr. Arters said with storage facilities, in his opinion, you should get them away from the city and the interchanges. He said the Commissions main focus would be to expand uses and determine what they want at the main interchanges, especially once water and sewer are put in place. He said most of those interchanges are B-1 and B-2. He said he just talked to Dave White, City Engineer, about getting a new map printed. He said he will try to get a new full zoning map printed, so they will have a map to see where the zoning districts are in the City; some zoning districts have changed. There have been no changes at the interchanges, but he felt the map would be beneficial to them. Mr. Arters said to think about what they would want at those interchanges. He said for an example, like a hotel. He said do you want to keep them in B-1 and B-2 Districts as they are now, or would you rather have them as conditional use; he said there is lots of thinking involved in the uses.

Mr. Grether asked the Chairman if they were in open discussion; Chairman Spisak said yes. Mr. Grether said he has given much thought to this since 2004 and with his time on the BZA, he wants to make sure that they clearly define the B-3 district as the Highway District. He agrees with Mr. Arters in that it is valuable to the City and to the health of the City; they need to attract businesses for that district. He said he does not want that district filled with the wrong type of businesses; not let just any type of business in that district. Mr. Grether said keeping it open would allow something like a hotel to come in, which would bring in a bigger tax base for the City. He would consider gas stations, truck terminals or hotels to be included in that district and he defines a Highway District as kind of the "noisy" places. He would envision those types of businesses at the highway exits.

Chairman Spisak commented that is what they are mostly zoned now at the intersections, B-2 and B-3 Districts.

Chairman Spisak said looking at Mr. Dowling's chart; he supposes that they will just be doing general classifications of uses that are listed first. Mr. Dowling agreed.

Mr. Dowling said the confusing part is the step ladder zoning. Mr. Arters said that was part of the problem because in the old step ladder zoning, anything in residential that is of a lesser use can go into a higher use. That means that anything in an R-1, can go into an R-2 or R-3, etc., and an R-2 can go into an R-2 and R-3, but not in an R-1 and so

on. He said he thinks they are missing an R-5 District on Mr. Dowling's Chart; Mr. Dowling agreed. Mr. Arters said it is the same with business districts, as anything B-1 can go into a B-2 or B-3 and B-2 can go into a B-2 or B-3, but a B-3 can only go into a B-3; he said that is part of the problem in dealing with the uses and what should be done.

Mr. Grether said he thinks the step ladder zoning is fine for the residential areas, but does not think it should be that way in the business areas. He gave an example of a donut shop being allowed in a B-3, because it can move up 2 levels.

Mr. Arters said that was true, and mentioned the consideration of schools and churches in residential districts. He said maybe a good idea would be to open them up to the residential districts and have them listed as conditional uses, and keep them out of the business areas.

More general discussion followed about the chart being an Excel sheet and the programming involved, to update and duplicate it.

Mr. Arters wanted to let the members know that the RU-1 District is for large lots, designed for the agricultural end of the City. He said they talked about the zoning for the Parks before. He said we have zoning classifications for parks, but they are not designated as such; he said they should keep that in mind as they go through this.

Mr. Arters said to remember that R-3 is required to have sewer and water in our current codes. There was more discussion about this, as most of Hametown Road is R-3, but they do not have access to those utilities. Chairman Spisak said they can leave it there, but when you put in your uses it will be something to think about. Mr. Grether asked if it was intentional because of the multi-family residence; Mr. Arters said no, it was because they are small lots of 75 x 140. More general discussion followed.

Mr. Arters said in proceeding with this, just as a suggestion, they can go step-by-step with this at several meetings, or each one of them could go through their chart and mark where they think it should go. He said at the next meeting you could each voice your opinion as to where you classified the use, and collectively agree where each should go; it would save a lot of time. Chairman Spisak thought that would be a good idea and then they can mark whether they feel it should be a prohibited or conditional use.

Mr. Grether said if they are mindful of the step ladder zoning, they might find they have some classifications that they might want to tighten up when they mark them.

They all agreed to the last method. Mr. Arters said just to get general ideas, the big thing is that the residential districts are ok; they just have to work on the business classifications. Mr. Arters defined the business districts as follows: B-1 is for small individual business/building type used and for light use; B-2 is more for plazas; and B-3 is closer to an I-1 use, just a little bit heavier use than a B-2. He suggested looking at Bath's and Wadsworth's codes to see how their districts are labeled. Mr. Larry Chiavaroli asked if there were definitions for Norton; Mr. Arters said yes, they are in the code but they can be expanded.

The secretary gave each member a notebook that had the current code they would be dealing with for the zoning changes, along with the Entertainment Device and Skill Based Games code sections. She said this is the most current code prepared by the Clerk of Council, with some 2013 updates included.

The Commission discussed golf courses and where they should be zoned.

Chairman Spisak discussed Home occupation Type A and B, and he didn't think the codes were in the notebooks they just received; if not, the secretary will copy and distribute them at the next meeting.

Mr. Arters said if they wanted to add any uses, they could do that at the end of Mr. Dowling's chart and then determine where those go later.

Mr. Dowling said maybe in the chart under R-3 they should make a footnote that refers to the requirement of sewer and water in that district.

Mr. Arters said when they go through the business uses, he said be mindful of what occurred at the Wooster Road doctor's office that was zoned I-1, that recently came before them. He said it had to be rezoned to a B-1 District to allow the office to go in. Chairman Spisak said it was a perfect use for the building, but yet had to come before them to be reclassified. Mr. Arters said a home practitioner would have defined it. Mr. Arters said with a use like a Summa Hospital or a Medical Center the members may want those to go into a B-3 District instead of a B-1 District. Mr. Arters said a B-1 District is good for a doctor's office, because they can even use a house for their practice. Mr. Arters said he recently had a veterinarian who wanted to buy a house on Cleveland-Massillon Road and turn it into a vet clinic. He said that is something to think about; would they want that in a B-1 District.

Mr. Arters said they might also want to add a Pet mortuary to their uses. There was discussion about funeral homes and if they are treated the same as a crematory. Mr. Arters said that use was pretty light. He said they may want to think about if a funeral services facility was separate from a crematory, what would they zone it. Mr. Dowling asked what the difference was between a mortuary and a funeral home. Chairman Spisak said a mortuary may not have a showing room. There was discussion that in our B-1 zoning there is a mortuary listed, but no funeral home. Chairman Spisak said that would be something that could be handled in the definitions. Mr. Arters suggested they put them in a B-1 and put a conditional use on them.

Chairman Spisak said as a footnote also, everything that the Commission decides, still has to go to Council for final approval. He said as discussed each member should go through Mr. Dowling's chart on their own before the next meeting, and then bring it back to discuss their choices jointly at the next meeting. He said if you see something that is not listed, add it to your sheet to discuss at the meeting.

Mr. Dowling talked about different types of businesses they have today that are not listed in their codes now; that is why he used Bath's as the example. He said the only thing was that they use a lot of quasi-public terminology, which gives way to a lot of interpretation.

Mr. Arters said with restaurants and fast food businesses, they are really no different from one another, and in his opinion they should go anywhere in the business districts, like B-1, B-2, and/or B-3.

Mr. Dowling discussed the doctor's office that was rezoned on Wooster Road. He wondered whether it would be appropriate to put it in as a permitted use in B-1 or a B-2, then conditional in an I-1, or not be appropriate at all. Mr. Arters said you might get a conditional for a higher use if it doesn't fit in that area, but you would be saying it is allowable yet setting conditions. Chairman Spisak said he did not know how the Commission could defend that position, allowing some and not others. Mr. Arters said maybe they would want to put doctors and dentists offices in B-1, B-2, and B-3 districts.

Mr. Grether said he is struggling to keep the I Districts open for larger businesses. Chairman Spisak agreed saying they don't have a lot of them and it is best to keep them open for industrial types of business.

Chairman Spisak said the Digestive Wellness Center does procedures there, but asked if that would be borderline practice versus a hospital care or emergency clinic. Mr. Arters said you can't get that technical in terms of what every business does, you just have to generalize it.

Mr. Arters said some buildings are big enough to have offices in front and then have a storage business in the back, for example a construction company would have that. He said those types of businesses are right now on State Route 18 in the Medina/Fairlawn area. Mr. Arters said they could dress up the front for offices, and then have storage in the back; they might want to think about that type of business and where they would want to put them. He said they really don't classify those, but thinks they could go into a B-3 or I-1 or I-2 district or else a B-2 only; the Commission would have to decide.

Mr. Grether asked if they could zone all highway exits into B-3 Districts, but be more specific as to what can go in them. Mr. Arters said that is why they need to see the zoning map that he will provide, because there are a lot of B-2 and B-1 Districts for the interchanges right now; there aren't any B-3 Districts at the highway exits. Chairman Spisak said that some cities have highway use classifications, which is another overlay. He said he would like to avoid that, as it would help keep them more flexible as the City develops.

Mr. Arters said they need to think of zoning for big box retail stores, highway use only, and interchanges.

There was more discussion about what led them to this point, from meetings two years ago with Pat Ryan, Zoning Inspector. Mr. Arters said that before they do the Cleveland-Massillon corridor, they will have to take in to consideration the expansion of the schools, as well as the businesses and putting back streets in.

Mr. Larry Chiavaroli asked for a little more background since he is new to the Commission. He said he realizes that it all started when they were dealing with

Cleveland-Massillon Road being widened and they started to look at that corridor. He asked if they found that the way it is currently zoned to be the problem.

Chairman Spisak explained that the way our books (zoning codified codes) are set up, it is cumbersome to figure out what is where, because you are going back and forth between pages.

Mr. Arters said it is cumbersome because a lot of the corridor is single-family residential. The plan 40 plus years ago was that it was supposed to be zoned business, like B-1 and B-2, but it was never followed through. He said the results of that are where we are now, 40 years later.

Mr. Arters said some of the center of town is B-1 and B-2, except for the gas station at the corner of Cleveland-Massillon and Norton Avenue is zoned B-3. He said just to reiterate that the main roads should be zoned business.

Mr. Chiavaroli asked if the classifications prevented businesses from coming in to the City. Chairman Spisak said that when a business wants to come in to that corridor, they have to come to their Commission to rezone the property. He said that is really what spot zoning is and that is not what you want to do. Mr. Arters agreed by saying that is what happened, it became a City with a lot of spot zoning; he gave examples around the City of spot zoning.

Mr. Chiavaroli asked if their goal is to try to take what open space is left in the City and zone it appropriately for what the City wants. Mr. Arters said yes, and to keep it current. Chairman Spisak added that it will help, with the anticipation of the widening of Cleveland-Massillon Road, to attract businesses just because all of a sudden there will be access. The Chairman said they have to be mindful of all the safety issues with all of the cuts coming in, for driveways etc.

Chairman Spisak also said that prior to this some citizens have actually approached the Commission with regards to Cleveland-Massillon Road, wanting their properties to be zoned business; it gives the residents a boost to sell with a business classification. Mr. Arters said it would definitely increase their property value to become a business classification. They talked generally about how small the lots are on Cleveland-Massillon Road and how some businesses have had to buy 2 lots and combine them, and then re-zone it.

Mr. Dowling said that the property at the corner of Trotter and Cleveland-Massillon Road that recently came before their Commission was a major battle with the zoning issue; now the ABC Drain Company is in there.

Mr. Grether asked that since Mr. Chiavaroli brought up the Cleveland-Massillon Road corridor, does the City want the properties to be rezoned B-2 on the west and east sides or all the way up through both sides to the highway. Chairman Spisak said they will revisit that, as some lots are smaller on the west side versus the east side. He said he is not sure where they would draw that line, especially up by Shellhart with residential there. Mr. Grether said that was his question, as some of those properties on the east side run up against and into the Mt. Vernon Estates. Mr. Grether asked if someone has a

10 acre parcel in the Mt. Vernon Estates, how they would approach that. Mr. Arters said there is no doubt about it; they would have to split it back so far. He said Columbia stops there but there are paper streets back behind the Wellness Center that have never been improved. He said the streets are there and ready to be improved. Mr. Arters continued by saying there are lots back there that could take Columbia out to Shellhart and tie in to Luray. He said that is about where it comes into, if you wanted to go that far with it. More general discussion followed.

Chairman Spisak asked if everyone on the Commission had the City's 2006 Comprehensive Plan. He said right now that is the best guide they have to make some of the decisions they have to make for the City. There was more discussion about the tools the members have to proceed with the zoning changes. Mr. Chiavaroli asked if that was still the City's Comprehensive Plan. Chairman Spisak said yes, that is what the City has had in place since 2006 and not much has changed; even the water and sewers were discussed in the Comprehensive Plan.

The secretary will make sure they have the Comprehensive Plan, as well as the other tools they need for the next meeting.

It was discussed that Mr. Hartt of DB Hartt came in and talked to their Commission, the Board of Zoning and Building Appeals, Council persons, and some from the Administration regarding the zoning. Chairman Spisak said DB Hartt then combined everything into a report that determined the problems our zoning code has, but no solutions; we now have to come up with the solutions. He said the Administration will call Mr. Hartt back when they have a document with the solutions, to review it with them to see if there are any other problems. Mr. Arters said that basically they did not give us the uses, and to save money the Commission is doing the uses.

At this point in the meeting, Mr. Arters had to leave the meeting for another meeting he had to attend.

More general discussion followed.

Mr. Grether said that if Cleveland-Massillon Road corridor is the plan, he asked if the Commission gives their plan to Council, would Council have a Public Hearing at that time. Chairman Spisak said that when their Commission is ready to make a recommendation of a Plan to Council, the Commission would first have a Public Hearing on the matter. Chairman Spisak said that right now they are just in the general discussion phase of the project. The Chairman said they will talk about the classifications and uses, they will look at the set-backs and make determinations, and then they will approach the re-zoning changes.

Chairman Spisak explained what happened in 2003, when they took the complete zoning changes to the residents; it was a very comprehensive document. He said some residents took exception to certain parts of it, so the whole thing was thrown out by referendum. The Chairman said since that time, they have just piecemealed the zoning; they are now just coming back around to approach the whole thing again 10 years later.

Mr. Grether asked if the Commission has considered sending out some kind of public notice or post cards, etc, to get input from the citizens on what the people of Norton see as the vision for the City. He said he knows there are a lot of people talking about protecting the heritage of City of Norton, and some hear growth of the City and assume it will be big box stores taking over the City. He asked if there was anyway to spearhead getting more of the residents feed back on this.

The Chairman said the Comprehensive Plan was part of that "input of citizens", as it had a cross section of people from all across the City sitting on that Board. He said the Board tried to map out growth with respect for the heritage as well, and said there is a lot of open space in this City. He said when the Commission does something massive like the zoning of the corridor, he expects the galley to be full of residents with a lot of input. The Chairman said right now they would just get pulled apart, as there are so many with individual interests.

There was discussion that once they have a presentable document, they will have a joint meeting with the members of the Board of Zoning & Building Appeals and invite Council and the Administration Staff to attend for their input and have a Public Hearing. The Chairman said every meeting the Commission has is a Public Meeting, like this one is now, and any citizen is welcome to come to hear the plans. It was discussed that they are at a more general information status now and not ready to make any resolutions yet, which is the time for citizens to make comments on the plan.

The Chairman said that each member can start by taking the suggestion of marking their individual charts starting with RU-1 and continuing on as they see the different districts listed at the top of the chart.

Mr. Grether asked the other members what zoning they would consider a Bed and Breakfast, multi-family or a business. He gave an example of a big farm house that would be in an RU-1 District. He said if it was turned into a Bed and Breakfast would it be as a conditional use or have to be rezoned for business. Chairman Spisak said in his opinion you would want to treat it like a hotel, but there again a lot of them are in historical districts in other communities. He said it would probably be allowed in a B-2 District, but maybe make it conditional in some other districts. The Chairman cautioned all members that the last thing they want is for everything to be conditional, because you don't want to decide each business on a case by case basis; then everything would be a battle. More general discussion followed.

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 Chairman asked the secretary if there were any applications pending for their Commission. She said there have been no filings for their Commission and she was not aware of anything pending; so they would be able to focus solely on the general discussion of the zoning code at their next meeting.

Mr. Grether asked that he be excused for the next meeting as he will be attending a seminar he signed up for previous to being appointed to this Commission; his excused absence was accepted. The secretary said if Mr. Grether would like to submit to her a copy of his suggestions for the chart, she would then pass that on to the other members of the Commission for their consideration at the next meeting; all agreed.

IV. CONSIDERATION OF MINUTES:

Chairman Spisak said they would move on to the two sets of minutes to consider.

The Chairman asked the members if there were any additions or corrections to the first set of February 12, 2013. **Hearing none, Chairman Spisak moved to accept the February 12, 2013 minutes as written; seconded by Mr. Dowling. ROLL CALL: Chairman Spisak-Yes; Mr. Dowling – Yes; Mr. Scott Testa -Yes; Mr. Chiavaroli – Yes; and Mr. Grether – Abstain. The motion to approve the minutes carried with a vote of 4 – 0- 1.**

Chairman Spisak asked if there were any additions or corrections to the March 5, 2013 minutes. **Chairman Spisak moved to accept the March 5, 2013 minutes as written; seconded by Mr. Dowling. ROLL CALL: Chairman Spisak-Yes; Mr. Dowling – Yes; Mr. Scott Testa -Yes; Mr. Chiavaroli – Yes; and Mr. Grether – Abstain. The motion to approve the minutes carried with a vote of 4 – 0- 1.**

V. ADJOURNMENT:

With no further business before the Commission, Chairman Spisak announced the next scheduled meeting would be April 9, 2013, and adjourned the meeting.



Planning Commission Chair/
Vice-Chair



Planning Commission Vice-Chair/
Member

4/23/13
Date

