

City of Norton
PLANNING COMMISSION
Tuesday, February 12, 2019

The Planning Commission of the City of Norton, Ohio, convened for a public meeting in Council Chambers at the Safety Administration Building. Chairman Dowling called the meeting to order at 6:03p.m.

I. ATTENDANCE:

PRESENT: Ralph Dowling, John Conklin, James Lada, Marion Peterson and Ruth Stimac

ALSO PRESENT: Bill Braman, Zoning Inspector; Shannon Szittai- Administrative Assistant; Jack Gainer-Ward 1 Councilman

II. PUBLIC MEETING APPLICATIONS

III. OLD BUSINESS:

IV. NEW BUSINESS:

**PC Application SPRA1-2019
Dollar General
3296 S. Cleve-Mass Rd.
PPN # 4601182
[Site plan review- Final]**

Mr. Dowling explained the first order of business was a preliminary site plan for a Dollar General building. It is Application R1-2019 located at 3296 Cleveland Massillon Road next to Aqua Zone. Currently it is a combination of a tractor trailer parking lot and a portion of the old, original Norton school building. Mr. Dowling invited the applicant to the podium for an overview of the project.

Mr. Alex Phelan, with Hurley & Stewart a civil engineering design firm based in Kalamazoo, MI, they are proposing a general Dollar Store and it is 9100 sq. ft construction. He believes everyone is familiar with those. Mr. Phelan explained they were purchasing the parking lot separately from the former old school property and were donating the corner with the old school house to the Norton Historical society. They have submitted their plan to the BZA for a variance to get a reduction in the parking spaces. They have acquired most of the permits required, but are awaiting the EPA approval for the grinding pump permit needed to pump the sewage to the sewer

out in front of the lot; they resubmitted today and are hoping to get approval within the three or four weeks. We just received approval from the County water conservation last week and our architectural plans have been submitted to the City of Barberton. We are here to request approval from you on our plan contingent upon engineering plan approval and it is submitted. Josh Slaga, City Engineer, has those and he had some comments to which we had answered 95%; we just submitted the final responses this afternoon, so there has not been enough time for him to finish his review although we are confident there won't be any further changes needed. Mr. Phelan stated the Commission has the available comments and he would be happy to elaborate on or answer any questions the Commission has on those.

Mr. Dowling stated they did have the comments and he had a couple of questions. Mr. Phelan responded that his firm was happy with how things had been going so far and pointed out the property was unusual due to a storm sewer that runs through the middle and that is taking a little extra time to work on. Mr. Dowling inquired on water availability and Mr. Phelan stated it was his understanding that the City of Norton has that designed and is in the process of getting it approved and installed. Mr. Dowling inquired on the drawing and the site location is not correct on coversheet. Mr. Phelan stated that is a clerical error and they have redone it. Mr. Dowling inquired on the double pylon sign verbiage and Mr. Phelan stated that also was a clerical error as there should only be one pylon sign and the rest are parking references. Mr. Dowling spoke on Codified 1276.04 under B2 concerning distance from street for off street parking, but that is offset with the sidewalk so it should be okay. He was also looking at C6 the parking spaces say 8 feet minimum, but he thinks it should be 9; upon looking it up, he found it was 9 x 20 feet was the minimum size. Mr. Phelan stated if there was something about it being 9 feet he could not answer specifically, but they would be happy to adjust the parking spaces as needed. Mr. Dowling asked if anyone else on the Commission had any questions or comments. Mr. Lada asked what the criteria for establishing a location when planning a new site as there is another Dollar General within one mile or so. Mr. Phelan stated he doesn't get involved with the criteria, but Dollar General assesses County documents and look to see how dense the population is and decide how many stores the area will support. Typically they like to be within one thousand feet of a main corridor, such as Cleveland Massillon Road; he does not know what they were targeting as a main corridor, if it was Cleve-Mass or if it was Route 261. Mr. Braman stated that when the real estate company looked at our area, they looked at closer sites and further sites from the other stores located in Norton. His indication was that the store in the plaza was looking to have their own building. Mr. Conklin stated the location was wrong on the cover sheet and Mr. Phelan stated they were aware of that and the corrected document was turned in today. Mr. Conklin asked what their construction start date was and Mr. Phelan responded they are hoping their start and end construction dates coincides with the installation of the water. Mr. Dowling stated right now we are treating this as a Preliminary Plat and if approved it would be subject to matching with the engineers decisions and would have to go to Council. Mr. Dowling was unsure if it would have to go three readings before Council even as a preliminary. Mr. Phelan stated his understanding was this is the Planning Committee meeting and then it goes

to Council. Mr. Dowling stated he would have to verify if a preliminary plan goes to Council or not.

Mr. Dowling asked if anyone wanted to speak for or against the application.

Mr. Thomas Mack, 3383 S. Cleveland Massillon Road, stated he has spoken to the manager of the store at the plaza and he is looking to relocate to the new location.

Mr. Dowling asked for a motion on the application. Mr. Conklin made the motion to approve the application and Mr. Lada seconded.

ROLL CALL: Mr. Conklin-Yes; Mr. Lada-Yes; Ms. Stimac-Yes; Mr. Dowling -Yes; Mr. Peterson-Yes
Motion 5-0 approved

Mr. Dowling stated he would go over the application's document/s and since he couldn't find his paperwork, he would have to see if this required Council approval. He may have been looking at the final plat requirements before he came in. Mr. Conklin asked if they were not going to treat it as a final and Mr. Dowling responded he was reading it as a preliminary, but we can treat it as a final; it's really going to be the same way. They would have to upgrade the drawings and that would have to go to Council and would expedite it. Mr. Braman stated in his purpose, he thought we were going through a final; to be honest, we are just starting to get into these again. He was thinking of treating it as a final subject to the engineering and verification that it was approved. Mr. Braman indicated he had spoken to Mr. Phelan and the City Administrator on it. It was decided that what is left will fall to the City engineer anyway and there was no benefit in holding back. Mr. Conklin questioned if the Code would allow them to go straight to a final without a preliminary; also since they just voted for a preliminary, not a final, would they need to do another vote for a final? Mr. Conklin stated Council also has to have a public hearing on a final as that doesn't transpire at this level. Mr. Braman stated we thought that, hypothetically speaking, Council could have their public hearing on the second reading and waive the third reading and Mr. Conklin agreed. Mr. Braman stated he could not find anything that said you had to have a preliminary. He is not sure if one building requires a preliminary; he thought it was more for a development, in his opinion only. Mr. Dowling stated we have actually gone both ways over the years. The problem is in the document it never says preliminary or final. In something like Clark Mill Road development, it had too many open ended things there so that really was a preliminary; in this case, there is probably no reason we could not turn this into a final and let the engineer to finalize the drawings. Mr. Lada stated this was a very thorough application with more calculations and details that they normally review; so he was okay leaving it as a final. Mr. Conklin suggested inserting Preliminary/Final language in the motion and therefore on the Resolution. Mr. Conklin asked if anyone had a problem with that; no one had an issue with it and the rest would be up to Council. Ms. Szittai stated she would put Preliminary/Final in and she would make sure the minutes reflected that as well.

Mr. Dowling said that Application R1-2019 is approved as a Preliminary/Final site plan subject to the incorporation of engineering comments and approval by the City engineer.

ROLL CALL: Mr. Conklin-Yes; Mr. Lada-Yes; Mr. Peterson-Yes; Mr. Dowling; Ms. Stimac-Yes
Motion 5-0 approved

Mr. Conklin asked what the first motion was and Mr. Dowling answered to approve the application. Mr. Conklin then asked what the second motion was and he was told to do as he requested and add the words Preliminary/Final. He then stated he had to make a motion to rescind his first motion and required a second vote with Mr. Peterson seconding.

ROLL CALL: Mr. Conklin-Yes; Mr. Peterson; Mr. Dowling-Yes; Ms. Stimac-Yes; Mr. Lada-Yes
Motion 5-0 approved

Mr. Conklin stated that to be clear, he had rescinded his first motion and made another motion to say Preliminary/Final now stands with a unanimous vote and is going to Council for its approval. Ms. Szittai, Mr. Dowling, and Ms. Stimac all concurred.

Mr. Conklin asked about a Riley Auto Parts going in in Loyal Oak. Mr. Braman responded not there but they are potentially looking at a site near The Pub on Cleveland Massillon Road. He had looked at some very preliminary plans of theirs, but we won't know anything for a bit on that.

Mr. Dowling stated he had been working on the signage portion and the Architectural Board of Review in the C-1 zoning code. He feels that some of that cannot just be put in the Code as it was written as it doesn't make sense and it conflicts with existing Code. So he re-wrote some portions of it and had met with Ms. Jennifer Syx, from INSITE, for about three hours discussing that and other areas; she agreed it could not be added as it would cause too many conflicts. He had mailed her his signed document and told her he did not know where to put his highlighted portions as it is so far out of the normal sign requirements. She was going to rewrite it and there are some areas with specific requirements with no latitude for interpretation as it is shall and not should. Ms. Syx felt some of those were too definitive and would really limit us.

Mr. Dowling relayed that he also gave her a copy of his 2013 Table for Zoning that makes using the Code Book much easier for finding subjects as he understands they are looking at the Code. Mr. Braman stated that the C-1 District is different from all the rest and an overlay within it so it is confusing. Mr. Dowling shared that he and Ms. Syx discussed problems from the past and similar ones popping up now so it needs to be decided how the Code should be. Ms. Stimac asked where the document the Commission had worked on so hard stood. Mr. Dowling responded that Ms. Syx had the original document and he told her that she needed to get the latest one with all the

highlights from Ms. Szittai. There were probably one and a half pages that were like half definition and half requirement which was confusing. She seemed to agree that it needed work to merge in with the rest and 1234, where the plats are, contains requirements that are different because the intern had some conflict or typos with timing and such like for the days for submitting items to Council. He expected it to take a couple weeks before they would hear back. Ms. Stimac shared we had a lot of questions on days for submission and sending back. Mr. Jack Gainer, Ward One Councilman, stated that Planning would be getting the document and 1287 submitted to Council back as we were not comfortable with the changes added as we had not seen the changes until late. There were thirteen to fifteen changes in the 28 pages, so it is coming back to you. He was hoping for another date to discuss it. Mr. Dowling stated he had heard something on that and Ms. Syx had stated we couldn't just take this document and plop it in there as you would struggle the whole time. Mr. Dowling added he has seen it happen throughout the time he has served on Planning with people not understanding decisions because it was in the Code and walking out screaming. Mr. Dowling stated he believed Ms. Syx would do a good job and Mr. Braman agreed, but for our own benefit, we should not count on one person to take on the duties of changing it. Council looked at it and it is under a time frame, but let's do it right. Ms. Stimac stated we cleaned up a lot of inconsistencies. It was decided to schedule the C-1 District for the February 26th meeting, but they had not gotten the comments from Council as yet since it was just yesterday Council sent it back. Mr. Gainer said that there weren't a lot of changes, but Council was not comfortable with them without Planning's input. Mr. Dowling asked if Mr. Gainer had any questions on the Architectural Board of Review and Mr. Gainer responded that he was told it wasn't pressing right now. Mr. Dowling informed Mr. Gainer that he had not followed up on the name he had provided as he thought Administration would handle it. Everyone agreed the proposed Code was very complicated and the current Code doesn't mesh with it.

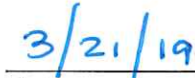
IV. CONSIDERATION OF MINUTES:

V. ADJOURNMENT:

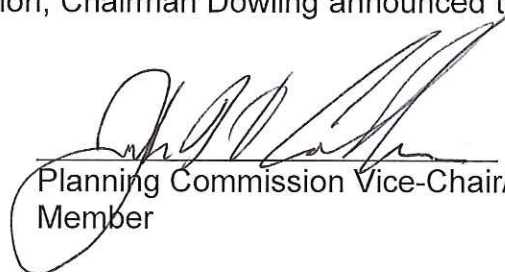
With no further business before the commission, Chairman Dowling announced the next scheduled meeting will be in two weeks.



Planning Commission Chair/
Vice-Chair



Date



Planning Commission Vice-Chair/
Member

Meeting adjourned at 6:48pm

*** ORIGINAL SIGNED DOCUMENTS ON FILE WITH THE CLERK OF COUNCIL ***