

City of Norton
PLANNING COMMISSION
Tuesday, January 25, 2011

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 6:00p.m.

I. ATTENDANCE:

PRESENT: Mark Spisak, Ralph Dowling, Janet Jacobs, and Todd Houser

ABSENT: John Conklin (excused)

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

II. PUBLIC APPLICATIONS:

- A) Application R1-2011
Proposing a Special Planned Development overlay for the
property known as Houston Hall located at 3069 Houston
Road/PPN 4606060 and 4606059
Currently zoned R-1 Single Family Residential
Charlie Shook, Owner
[To allow the property use to be continued
as a restaurant and hall under an SPD overlay]**

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.

Charlie Shook, 3193 Easton Road, Norton, Ohio, owner of the property stepped to the podium. He said the previous owner was there for 6 years and the VFW rented it, and they stayed and rented the bar area. The VFW has had it since 1946 and on September 15, 2010, they closed up. He now has that space and has been renting it out, but with no alcohol on the premises. He wants more income, so he is proposing a restaurant that would be open to the public and would serve sandwiches and appetizers. He said the

hours of operation would not be for lunch but would be something like 4:00 PM to 9:00 PM or 10:00 PM, Monday through Saturday, no Sundays.

Chairman Spisak asked if he had an alcohol license, and he said no. There was discussion about him wanting an alcohol license, and what the restrictions were at that time.

Mr. Shook said the hall would be rented out as it is now. He also wants to put up some type of barrier for the neighbors, like a white fence in the spring.

Chairman Spisak asked if there were any questions from the Commission members.

Mr. Ralph Dowling asked the applicant if he was preparing food there for his catering business. He said yes, he prepares it at the kitchen now. It was discussed that the preparation of food is related to the banquets; he is not serving food as a restaurant does.

There was discussion if the overlay was granted, would it be transferable with the property. Mr. Russ Arters, Superintendent of Building and Zoning, said no. Mr. Arters explained the SPD (Special Planned Development) would be the best scenario for Mr. Shook at this time to keep his business. He said an actual zoning change is permanent, but the SPD is done once he leaves.

Chairman Spisak asked with this new classification, would there be a re-inspection of the building. Mr. Arters said yes, health inspections, accessibility, and site plan has to be up to code. Further discussion was had about this situation, and how it applies under the general standards in the code.

Chairman Spisak asked if anyone else from the Commission had any questions; no one spoke.

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

Lee Rabatin, 3045 Houston Road, Norton, Ohio, 44203, spoke for the application. He stated he lives right next to the Houston Hall. He would like to see him stay in business and make money. In his opinion the Hall is an asset to the community and many people enjoy it. He doesn't anticipate any problems; he just doesn't want any noise. He said the biggest noise comes from the patio during a wedding reception. People are talking loudly or the band playing inside comes through that patio door when it is left open. It is not every night, just through the summer on the weekends.

Mr. Arters explained that the noise problems could be reviewed after Council's approval, with guidelines given regarding that problem at the site plan review.

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

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

Mr. Dowling moved to recommend approval of application R1-2011 by PC Resolution 1-2011. Ms. Janet Jacobs asked for clarification of the rezoning and if it needed stipulations at this time or was it a separate issue. Mr. Arters said this was only for approval of the zoning for the SPD overlay for the property. He said after Council's approval, he must come back for a site review plan approval. **Mr. Todd Houser seconded the motion. ROLL CALL: Mr. Dowling – Yes; Mr. Houser –Yes; Ms. Jacobs-Yes; and Chairman Spisak-Yes. The motion carried 4 - 0.**

Chairman Spisak stated the Agenda has been revised somewhat and there are two applications for Agricultural Districts that have been added to the Agenda.

- B) Application AG1-2011
'Agricultural District' (Renewal)
Ralph and Linda Beddow, Owners
Regarding property at
4379 Greenwich Road/PPN's 46-07010 &
PPN 46-06712 & PPN 46-00381
[To Renew an Agricultural District Classification]**

Chairman Spisak called the next Applicant/Agent to step forward and present his statements.

Ralph Beddow of 4379 Greenwich Road, Norton, Ohio, stepped to the podium. Mr. Arters asked for clarification purposes, if a portion was split off of the original Agricultural District and given to his son Eric Beddow. Mr. Beddow said yes, that portion has been split off and Eric owns it now. He said it was all on the original acreage that was under the Agricultural District, but he is asking for a renewal of the Agricultural District for his residual acreage.

Mr. Dowling asked if it was still being used as an agricultural district. Mr. Beddow said yes. He said he doesn't see any future development coming his way from the City of Norton, so his grandsons will probably come before the Commission to ask for a renewal in years to come.

Chairman Spisak asked if there were any other questions; there were none.

Chairman Spisak moved to recommend approval of Renewal of the Agricultural District for Application AG1-2011 by PC Resolution 2-2011. Ms. Jacobs seconded the motion. ROLL CALL: Chairman Spisak-Yes; Ms. Jacobs-Yes; Mr. Dowling – Yes; and Mr. Houser –Yes. The motion carried 4 - 0.

- C) Application AG2-2011
'Agricultural District' (Renewal)
Eric and Kristin Beddow, Owners
Regarding property at 3631 S. Medina Line
Road/PPN 46-07452
[To propose a New Agricultural District Classification]**

Chairman Spisak called the next Applicant/Agent to step forward and present his statements.

Eric Beddow of 3657 South Medina Line Road, Norton, Ohio, stepped to the podium to answer questions from the Commission.

Mr. Dowling asked if he was actively farming this property with his father, and Mr. Eric Beddow said yes. Clarification of where the property was located from the original Agricultural District was discussed. It is on the north side of the property towards the highway. He built his house there 3 or 4 years ago.

Chairman Spisak asked if there were any other questions; there were none.

Chairman Spisak moved to recommend approval of a New Agricultural District for Application AG2-2011 by PC Resolution 3-2011. Mr. Dowling seconded the motion. ROLL CALL: Chairman Spisak-Yes; Mr. Dowling – Yes; Mr. Houser –Yes; and Ms. Jacobs-Yes. The motion carried 4 - 0.

III. OLD BUSINESS:

Chairman Spisak continued on to old business with two text amendments tabled from the December 14, 2010 meeting.

**A) Text Amendment to Chapter 1296 – Supplemental Regulations
Add Section 1296.20 – DUMPSTERS AND OTHER WASTE
CONTAINERS.
(tabled from 12-14-10)**

Mr. Arters said Ms. Pat Ryan, Zoning Inspector, had a file with their questions, but he couldn't locate the file before the meeting. He said he talked with Mr. Rick Ryland, City Administrator, and if they pose the questions again, they will respond to them. Mr. Dowling said their questions were about the recycling containers that the schools and the churches have. Mr. Arters commented that the City will have a paper recycle bin here also. Mr. Arters asked if the question was if they should be enclosed. Mr. Dowling responded that they were concerned with location. Chairman Spisak read Section 1296.20 of the Norton Codified Ordinances and said the Commission thought that there would be a problem with the recycle containers because of it. They discussed enclosures and problems with some being located in the middle of parking lots. They further discussed recycle bin enclosures and their costs, and discussed set back requirements for them. The Commission fears this is all encompassing and would create more variances later. Mr. Arters will discuss this with the Administrative Officer and the Law Director. The Commission needs them to define between waste/refuse containers and recycling. As discussed, some residents have garbage mixed with recyclables that their trash company separates at their company site. The Commission

is concerned with definitions and setbacks for those recycle containers, and wondered what other community's rules are.

Chairman Spisak moved to table Text Amendment to Chapter 1296 – Supplemental Regulations Add Section 1296.20 – DUMPSTERS AND OTHER WASTE CONTAINERS to February 8, 2011, by PC Resolution 4-2011. Mr. Houser seconded the motion. ROLL CALL: Chairman Spisak-Yes; Mr. Houser –Yes; Mr. Dowling – Yes; and Ms. Jacobs-Yes. The motion carried 4 - 0.

**B) Text Amendment to Chapter 1257 – Site Plan Review
Section 1257.04 – MAJOR SITE PLANS
Amend 1257.04(b)(11)
(tabled from 12-14-10)**

Chairman Spisak said this also deals with the same subject.

Chairman Spisak moved to table Text Amendment to Chapter 1257 – Site Plan Review Section 1257.04 – MAJOR SITE PLANS Amend 1257.04(b)(11) to February 8, 2011, by PC Resolution 5-2011. Mr. Houser seconded the motion. ROLL CALL: Chairman Spisak-Yes; Mr. Houser –Yes; Mr. Dowling – Yes; and Ms. Jacobs-Yes. The motion carried 4 - 0.

C) Dimension Requirements for Districts

Because of all the changes made with the layoff of Zoning Inspector Ryan, and the minutes not being caught up, Mr. Arters was still in the process of sorting through her material on this subject. He was not sure where they left off. Chairman Spisak said he would come in to the office to talk with Mr. Arters to review the issues; Mr. Arters agreed. Mr. Arters said there were still some rezoning issues that need to be addressed and discussed the extension of the east side of Cleveland Massillon Road to Columbia Street. There was discussion about the Administration wanting to extend it back to Columbia, since it is paper street, and take it straight out north for rezoning purposes. Mr. Arters said set backs work hand in hand with rezoning, but it is crucial to get the west side of Cleveland Massillon Road all the way to the highway completed. One of the main topics is to make an access road from Cleveland Massillon Road so it is less congested. It was stated that Ms. Ryan had presented some buffer ideas to them in the past.

IV. NEW BUSINESS;

Chairman Spisak asked if there was any new business.

Mr. Arters discussed possible zoning amendments to our B districts. He said Barberton Glass closed down on Gardner Boulevard. The building has bays and lifts and he has been inundated by requests for Auto Repair shops to go in there. It is currently zoning B1 and under current zoning an auto repair shop is in a B3 zone. His thoughts were

because it was a repair shop years ago, we could set up an amendment to B1 and B2 to consider auto repair without any painting being done. The owner has been complaining to him about the unfairness of the situation because that was what the building was designed for. Mr. Arters said this would allow auto repair only without any paint booths, and bring a business into the City. He has had some businesses wanting to go in there, but due to the zoning they can not. They discussed hours of operation for a business like that, and also if there would be storage involved. Mr. Arters said they could make restrictions when a site review plan comes before them.

IV. CONSIDERATION OF MINUTES:

There were no minutes to consider. Chairman Spisak asked the stenographer to check the dates of the minutes that have not been transcribed.

V. ADJOURNMENT:

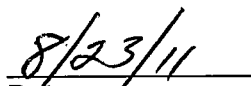
With no further business before the Commission, Chairman Spisak announced the next scheduled meeting would be February 8, 2011, and adjourned the meeting at 6:40PM



Planning Commission Chair/
Vice-Chair



Planning Commission Vice-Chair/
Member



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, January 25, 2011**

PLEASE PRINT:

<u>NAME:</u>	<u>STREET ADDRESS (NO P.O. BOX):</u>	<u>CITY & ZIP CODE:</u>
Charlie Shook	3193 EASTON Rd	NORTON OH 44203
Lee RABATIN	3045 HOUSTON Rd	NORTON OH 44203

Signed: 
Stenographer Intein

**RESOLUTION
PLANNING COMMISSION**

January 25, 2011

PC RESOLUTION NO.: 1- 2011

RE: Application R1-2011 Rezoning

Proposing a Special Planned Development overlay

Charlie Shook, Owner

3069 Houston Road/PPN 4606060 and 4606059

[To allow the property use to be continued as a
restaurant and hall under an SPD overlay

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

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN 0


Therefore PC Resolution No. 1-2011 has been:

APPROVED X DENIED TABLED

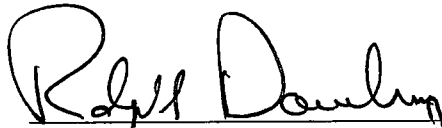
This resolution shall be sent to:

Administration for it's action or for X it's information, and

Council for X it's action or for it's information.



Planning Commission Chair/Vice-Chair



Planning Commission Vice-Chair/Member

1/25/11

Date

**RESOLUTION
PLANNING COMMISSION**

January 25, 2011

PC RESOLUTION NO.: 2 – 2011

RE: Application AG1-2011
'Agricultural District' (Renewal)
4379 Greenwich Rd
PPN 46-07010 & PPN 46-06712 & PPN 46-00381
Ralph and Linda Beddow, Owners

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

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN 0

Therefore PC Application AG1-2011 is recommended to be:

APPROVED X DENIED TABLED

This resolution shall be sent to:

The Mayor for his consideration and the Administration for their information.



Planning Commission Chair/Vice-Chair



Planning Commission Vice-Chair/Member

1/25/11

Date

**RESOLUTION
PLANNING COMMISSION**

January 25, 2011

PC RESOLUTION NO.: 3 – 2011

RE: Application AG2-2011
'Agricultural District' (New)
3631 S Medina Line Rd
PPN 46-07452
Eric and Kristin Beddow, Owners

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

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN —

Therefore PC Application AG2-2011 is recommended to be:

APPROVED X DENIED — TABLED —

This resolution shall be sent to:

The Mayor for his consideration and the Administration for their information.

Planning Commission Chair/Vice-Chair

Planning Commission Vice-Chair/Member

1/25/11

Date

**PLANNING COMMISSION
RESOLUTION**

January 25, 2011

PC RESOLUTION NO.: 4 - 2011

RE: Text Amendment to Chapter 1296- Supplemental Regulations
Add Section 1296.20 - DUMPSTERS AND OTHER WASTE CONTAINERS.

The Planning Commission does hereby make the following recommendation(s) on the above:

Recommend to table until the 2/08/11 Meeting.

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN —

Therefore PC Resolution No. 4-2011 is:

APPROVED 4 DENIED 0 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.

[Signature]
Planning Commission Chair/Vice-Chair

[Signature]
Planning Commission Vice Chair/Member

1/25/11
Date

PLANNING COMMISSION
RESOLUTION

January 25, 2011

PC RESOLUTION NO.: 5 - 2011

RE: Text Amendment to Chapter 1257 - Site Plan Review
Section 1257.04 - Major Site Plans
Amend 1257.04(b)(11)

The Planning Commission does hereby make the following recommendation(s) on the above:

Recommend to table until the 2/08/11 Meeting.

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN

Therefore PC Resolution No. 5 - 2011 is:

APPROVED DENIED TABLED X

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.

[Signature]
Planning Commission Chair/Vice-Chair

[Signature]
Planning Commission Vice Chair/Member

1/25/11
Date