

City of Norton
PLANNING COMMISSION
Tuesday, June 13, 2006

The Planning Commission of the City of Norton, Ohio, convened for a public meeting in Council Chambers of the Safety Administration Building. Chairman Mark Spisak called the meeting to order at 6:00 p.m.

I. ATTENDANCE:

PRESENT: **Mark Spisak, Janet Jacobs, Marguerite Abbott, Todd Houser**

ABSENT: **John Conklin**

ALSO PRESENT: **Jeff Pritchard, Director of Planning and Community Development**

II. PUBLIC APPLICATIONS:

None.

III. OLD BUSINESS:

A.) Stonewyck Subdivision:

The Commission discussed a tank that was being installed at the Norton Avenue entrance of the Stonewyck Subdivision. Mr. Spisak asked Mr. Jeff Pritchard if the tank was some type of pump. He said it was a water booster pump and explained that the subdivision probably would not need it. They, however, wanted to avoid possible water pressure problems such as Mt. Vernon Estates has experienced. Mr. Spisak wondered if it would connect with Mt. Vernon Estates. Mr. Pritchard said no.

B.) Member's Attendance:

Mr. John Conklin reminded the Commission that he would not be able to attend the next meeting scheduled for Tuesday, June 27, 2006, because he would be out of town backpacking with Boy Scouts.

C.) Old Stone Jail:

Mr. Spisak commented that the Commission previously discussed whether or not there was any historical value to the Old Stone Jail. Mr. Pritchard stated that Summit County plans typically identify potential historical sites within the City of Norton and the Old Stone Jail is not mentioned. He added that the Old Stone Jail was again open for business.

D.) Summit C & D Disposal:

Mrs. Marguerite Abbott wondered if Summit C & D Disposal on Wadsworth Road was being expanded.

Mr. Pritchard said no. He explained that they only have a few more years to remain open. Mrs. Abbott wondered if it would be leveled and planted after it's closing. Mr. Pritchard said that it would have to be abandoned properly. Mr. Conklin said that he thought the landfill could expand South. Mr. Pritchard said he was not aware of that but he would check with the Barberton Health District.

E.) New Holland Oil Development:

Mrs. Janet Jacobs wondered how the new Holland Oil project being constructed on State Route 585 was progressing. Mr. Pritchard reported that it should be open for business by the third week in July.

F.) Storm Water Requirements:

There was brief discussion regarding the Comprehensive Plan Citizens Working Group. That led to a discussion regarding future storm water regulations and that Norton probably is the leader in Summit County.

Mr. Todd Houser explained that the storm water requirements on lot sizes and site evaluations, etc. regarding septic systems on new home constructions would be changing. He stated that most cities in Northeastern Ohio were waived of the Storm Water Phase I requirement. The Commission discussed Norton's progression regarding the storm water requirements.

The Commission briefly discussed the agreement between the Cities of Wadsworth and Barberton, which does not allow Wadsworth to supply Norton with water or sanitary sewer.

IV. NEW BUSINESS:

A.) Summit Ridge Modification:

Norton Subdivision Regulations; Section 1230.15-Exceptions to these Regulations

Reference PC Application S2-2006: Major Subdivision/Preliminary Plat

This application was approved, with conditions, by PC Resolution No. 06-2006 on 3/14/06.

Chairman Spisak asked for Ms. Pat Rakoci of Pride One Norton, LLC to approach the Commission and explain the modification request.

Ms. Pat Rakoci and Mr. Travis Crane with Pride One, LLC, 387 Medina Road, Medina, Ohio 44256, approached the Commission. Ms. Rakoci stated that the Preliminary Plat for the Summit Ridge development had been approved. She was now requesting a modification/exception to that plat due to unforeseen difficulties with hard rock on the cul-de-sac located on Bayberry Ridge Drive. She said that a 365 Caterpillar with a sawtooth could not break through the rock. Houses can not be built on rock; the only alternatives were to blast the rock or to modify the plans to lengthen Bayberry Ridge Drive. This means that the cul-de-sac would have to be 975' in length instead of 600'.

Mr. Spisak wondered what lot numbers on Bayberry Ridge Drive would be lost by doing the modification. Ms. Rakoci said they would lose lots 214, 215, 216 and 217 depicted on the approved plan.

The Commission wondered why the Planning Commission was hearing this issue instead of the Board of Zoning and Building Appeals. Mr. Pritchard said that this issue was not a variance issue, but a modification of

the preliminary plat. He said the Planning Commission would consider it, then it would be forwarded to Council for their approval. Mr. Pritchard referred to Section 1230.15(a) of the Norton Codified Ordinances.

Mr. Spisak asked Mr. Pritchard if he knew why the Norton Code set the maximum length of a cul-de-sac at 600'. He said he could not specifically state the reasoning. He mentioned that there were some existing dead end streets in Norton that were longer than the requested modification. Mr. Pritchard added that Pride One has made every attempt to comply with the code, but due to the geological issue they were confronted with requesting the modification. He said that he did not have an issue with the request because it would still accommodate maneuverability of safety equipment. Mr. Pritchard said that the unforeseen subsurface conditions have created a hardship for the applicant.

Mr. Houser wondered if Mr. James Calco, Fire Chief, had submitted any comments regarding the modification. Mr. Pritchard said no, but they could be requested during the Council process.

Mr. Spisak asked for the radius of the cul-de-sac. Mr. Crane stated that it was 50', which was the City's requirement. Mr. Pritchard agreed.

Mrs. Abbott wondered if there was anyway that this issue could have been foreseen through soil testing, etc. Ms. Rakoci said that they knew there was rock on site due to soil testing, but they could not foresee what type of rock until the Engineering phase and until the depth of the infrastructure location was known. She stated that during the Preliminary stage there is no way of knowing exactly what you are facing. Mr. Crane said that if Pride One would not have performed a masque grade on Phase II-A, this issue would not have been noticed for another six months to a year.

After discussion the Commission decided to recommend comments from the Chief of Police and Fire Chief during the Council process.

Mr. Conklin wondered if the request was to change the code to match this particular cul-de-sac. Mr. Pritchard said the applicant was not requesting to change the code. They are seeking approval to go beyond the required length of a cul-de-sac. Mrs. Abbott wondered what the difference was between this request and a variance. Mr. Pritchard said this situation was a modification of the preliminary plans that were already approved by the City. He said it was an issue of design criteria. Mr. Conklin said his concern that prior applicants that have asked for a cul-de-sac variance and were turned down might make an issue if this modification is approved. Mr. Pritchard said that the other projects were requests without reasoning. This particular project has complied with the design criteria code and due to a hardship of subsurface rock a modification of the preliminary plans is needed. Mr. Conklin asked if approval of this modification might set precedence. Mr. Pritchard said that it would not because each case is independent and does not set precedence for other cases.

Mrs. Jacobs wondered if the radius of the cul-de-sac would be large enough for a bus to turn around. Mr. Pritchard said yes.

Mr. Spisak asked for the total amount of lots that would be lost with the modifications to comply with the 600' cul-de-sac limit. Ms. Rakoci said approximately 16 lots.

Mr. Conklin wondered if the lots were numbered yet on the modified plan. Ms. Rakoci said no. The lots would be renumbered if the modification was approved. There was discussion regarding the lot numbers being listed

in the Commissions motion. Ms. Rakoci suggested they refer to the lot numbers of the approved preliminary plan for clarification.

The Commission discussed Section 1236.08(e)(1) of the Norton Codified Ordinances, which is in regards to cul-de-sacs.

Mr. Pritchard said that Pride One complied with all regulations in the original design. The other cul-de-sacs in Summit Ridge are in compliance. Bayberry Ridge Drive is just an anomaly. Mr. Conklin believed that about five or six years ago a self-storage on Wadsworth Road was turned down due to the length of their cul-de-sac. Mr. Pritchard said that case was prior to his working for Norton. He believed, however, that it was turned down due to a zoning issue in terms of self-storage units being located in an R-3 District.

Mrs. Abbott wondered if the homes on that cul-de-sac were originally planned to have basements, and if so, would they have to be modified. Mr. Crane said that whether or not the homes would have basements or slabs was not yet determined.

Mrs. Jacobs asked if any future problems similar to this one would be possible. Ms. Rakoci said that 40-50 soil plug tests were done throughout the site and they did not foresee any problems. She said that there could be veins of different types of rocks. She said this was a due diligence project because they did not want to purchase land that could not be developed.

Mr. Spisak commented that Section 1230.15 states that the Planning Commission had to determine whether or not the developer did due diligence when evaluating the property.

Mr. Conklin commented that if lots were being added due to the modification, he would be concerned about this request. But lots are being lost and that is not an avenue that a developer wants to take.

Chairman Spisak asked three times if anyone present wanted to speak for or against the application; no one spoke. He then called for a motion from the Commission. **Mr. Conklin moved to approve the request for modification/exception to Bayberry Ridge Drive, located in the Summit Ridge Major Subdivision/Preliminary Plat, as follows: Extend the maximum length of a cul-de-sac from 600' to 975'. Based on Norton Subdivision Regulations 1230.15-Exemptions to these Regulations, approve the waiver of section 1236.08(c)(1)-Length of cul-de-sac making reference to lots 214, 215, 216 & 217 on the preliminary plat, due to unforeseen land conditions beyond the scope of the developer's due diligence. This waiver is conditional to the comments by the Fire and Police chiefs to Norton City Council. Mrs. Abbott seconded the motion. ROLL CALL: Mr. Conklin-Yea, Mrs. Abbott-Yea, Mr. Houser-Yea, Mrs. Jacobs-Yea, Mr. Spisak-Yea. The motion passed 5-0, by PC Resolution No. 11-2006. The resolution was sent to the Administration for its information and to Council for its action.**

Chairman Spisak thanked the applicant. There was discussion regarding the types of homes planned for the Summit Ridge development and the possible cost of them.

(Mr. Conklin left the meeting at 7:00 p.m.)

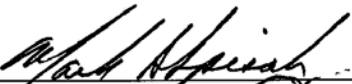
V. CONSIDERATION OF MINUTES:

A.) Minutes of the Tuesday, May 23, 2006, meeting:

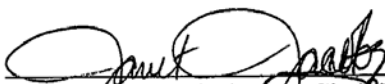
The Commission reviewed the minutes from their Tuesday, May 23, 2006, meeting and Chairman Spisak called for a motion. **Mr. Houser moved to approve the minutes as submitted; seconded by Mrs. Jacobs. ROLL CALL: Mr. Houser-Yea, Mrs. Jacobs-Yea, Mrs. Abbott-Yea, Mr. Spisak-Yea. The motion passed 4-0, approving the minutes as submitted. They were signed and processed accordingly.**

VI. ADJOURNMENT:

Chairman Spisak announced that the next meeting was scheduled for Tuesday, June 27, 2006, at 6:00 p.m. Mrs. Abbott asked the Secretary if there were any applications pending for the next meeting. The Secretary said not at this time. There being no further business coming before the Commission, Chairman Spisak adjourned the meeting at 7:02.



Planning Commission Chair ~~V. Chair~~



Planning Commission ~~V. Chair~~ Member

6/27/06
Date

PLANNING COMMISSION
RESOLUTION
JUNE 13, 2006

PC RESOLUTION NO.: 11-2006

RE: Summit Ridge Modification/Exception:
PC Application S2-2006; Major Subdivision/Preliminary Plat
(Norton Subdivision Regulations: Section 1230.15-Exceptions to these regulations.)

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

Move to approve/deny/table the request for modification/exception to Bayberry Ridge Drive, located in the Summit Ridge Major Subdivision/Preliminary Plat, as follows: Extend the maximum length of a cul-de-sac from 600' to 975'.

BASED ON NORTON SUBDIVISION REGULATIONS 1230.15 - EXEMPTIONS TO THESE REGULATIONS & APPROVE THE WAIVER OF SECTION 1236.08 C1 - LENGTH OF CUL DE SAC MAKING REFERENCE TO LOTS 214; 215; 216; 217 ON THE PRELIMINARY PLAT DUE TO UNFORSEEN ^{LAND CONDITIONS} OBSTACLES BEYOND THE SCOPE OF THE DEVELOPERS' DUE DILIGENCE - THIS WAIVER IS CONDITIONAL TO THE COMMENTS BY THE FIRE & POLICE CHIEFS TO NORTON CITY COUNCIL.


Vote on Motion: FOR 5 AGAINST 0 ABSTAIN 0

Therefore the above request for modification/exception is:

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

6/13/06
Date

