

**City of Norton**  
**PLANNING COMMISSION**  
**Tuesday, January 9, 2007**

The Planning Commission of the City of Norton, Ohio, convened for a public meeting in Council Chambers of the Safety Administration Building. Chairperson Mark Spisak called the meeting to order at 6:01 p.m.

**I. ATTENDANCE:**

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

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

**II. PUBLIC APPLICATIONS:**

SPR 8-2006  
3095 Barber Road (TEMP)/PPN 4603791 & 4603792  
World Real Estate Services, Owner  
John Elsey, Architect, Agent  
[To Construct an Auto Sales and Service Area.]  
(See attached BZA Res. No. 23-2006.)

Chairperson Spisak stated that he would have to excuse himself from this application because he does a lot of business with the applicant. He then turned the meeting over to Mrs. Janet Jacobs, Vice-Chairperson.

Vice-Chairperson Jacobs asked the applicant to step forward and present his opening statement.

**Mr. John Elsey, Architect (agent), 12858 Redwood Avenue N.W., Uniontown, Ohio 44685,** approached the Commission and stated that he was representing World Real Estate Services, the holding company for Fred Martin Motors. He said they were requesting to construct a sales and service area on Barber Road north of the Interstate 76 bridge and directly across from Forrest Motors. He continued to state that a church building was located directly to the North of the proposed site and Mr. Alan Ederer, a developer, owns the property directly to the South. Mr. Elsey explained that the entire property was located within a 100-year floodplain and they recently received a variance for a 100' riparian setback, which would be recorded. He said that the detention ponds would be located outside of the riparian setback and any improvements to the impact on Wolf Creek would be coordinated with the City. Mr. Elsey believed that revised drawings from Mr. Mosyjowski, with Mosyjowski and Associates Engineering in Hartville, were submitted for this application after the variance was approved.

Mr. Elsey explained that a 50' front yard setback was required, but the main building would have a front yard setback of about 190'. The main focus of the building will be the service and detail areas located in the rear. A sales area, however, will be located in the front of the building. One entrance is proposed at this time, which would be located on the northside due to rumors of reconstruction of the Interstate 76 bridge. Mr. Elsey pointed out that a small sales building with matching exterior might be constructed directly in front of the main building. The main building will be constructed with pre-engineered material for the clear span, the economics and for any soil bearing issues that might arise. Mr. Elsey added that they tried to exceed the parking and setback requirements. He concluded that the site was appropriately zoned for the proposed use and they believe it would be a viable business for this area.

Mrs. Jacobs noted that a few items were brought to the Planning Commission's attention. The first was that sidewalks needed to be constructed for any new construction in Norton. Mr. Elsey said that there were sidewalks noted on the site plan. Mr. Jeff Pritchard said that they were noted as 4' wide sidewalks. Mrs. Jacobs said that the sidewalk requirement was at least 5' wide with a 6" setback from the right of way. Mr. Elsey said he would make that adjustment.

Mr. John Conklin was concerned about Wolf Creek, the floodplain and the past flooding in that area. He wondered if the storm drains would have any back flow prevention. Mr. Elsey said that the storm drains would flow to the detention pond, which would then flow through a catch basin with a water quality design. He explained that the main building would be built one foot above the floodplain. Since the entire lot is in the 100-year floodplain, the storm drains would be in the flood plain. Mr. Elsey commented that the main focus of this project was the water quality within the riparian setback. They have addressed that the riparian setback should have the correct vegetation, baffles and emergency overflow in the detention pond.

Mrs. Jacobs noted that the basin and drainage calculations have to be submitted to, and approved by the City Engineer. Mr. Elsey said that he understood that they were submitted to the Engineer and also to the Summit County Soil and Water Conservation District (SWCD). He said Mr. Mosyjowski was out of the country at this time, so he did not know if any comments were received from the Engineer regarding these plans

Mr. Todd Houser commented that the water quality volume needed to be noted on the site plan. He said that he assumed there would be an extended detention basin, so what is required and what will be achieved should be noted on the site plan. Also, a 20% additional volume would be needed for reduced settling and infiltration. Mr. Elsey believed that these concerns could be addressed through the Engineer's process. Mr. Houser said that these attributes were essential to the Site Plan Review and could be included within the Detention/Water Quality Basin Summary provided on the site plan that was submitted with the application.

Mr. Houser mentioned that Chapters 1470.11 and 1474.12 of the Norton Codified Ordinances state that the minimum standards for pool geometry is a length to width ratio of 3:1. The site plan submitted, notes less than that requirement. He said that the PC wanted to see that some concession was being made to reach the required minimum of a 3:1 ratio. Mr. Elsey said he could appreciate that and he was sure that Mr. Mosyjowski would address this through the Engineer's process. He wondered if enlarging the detention pond could accommodate the required ratio. Mr. Houser said the shape could be changed to accommodate the minimum ratio standard. Mr. Elsey said that they could consider this matter but they were somewhat limited on the shape because it has to be maintained outside of the riparian setback.

Mr. Houser stated that a Conservation Easement is noted on the site plan, but he could not tell where it would be located. Mr. Elsey pointed out that it would be located to the rear of the 100' riparian setback, parallel to it and Wolf Creek. Mr. Houser asked him to clarify it on the site plan with a bolder outline. Mr. Elsey said that could be done. Mr. Houser also commented that the scale seemed to be a little off on the plan. Mr. Elsey said that it was taken from the Tax Map so that was a possibility. Mr. Houser asked Mr. Elsey if he understood the legal meaning of a Conservation Easement. Mr. Elsey said that he understood it to be an easement that would have limited forestry, no construction, no parking; the intent is to return it to its original landscape and not be manicured. Mr. Houser explained that it was a third party owned easement. Mr. Elsey said that would probably be a concern for the owners. Mr. Houser cautioned the use of the language 'Conservation Easement' on the proposed plans, since it legally means a very specific agreement held by a third party. He suggested that if that was not the owner's intent, it should be changed on the site plan. Mr. Elsey said he appreciated that suggestion.

Mr. Houser asked how they intend to replant the riparian setback and what type of vegetation would be used. Mr. Elsey said that they would work with the City regarding appropriate vegetation. Mr. Pritchard said that the specifics needed to be shown on the site plan. Mr. Elsey said that he would check with the Summit County SWCD for advice on this matter.

Mrs. Jacobs said that the trash enclosure should be moved to the southside of the parking lot to enable better access to the detention area for maintenance purposes. Mr. Elsey said that could be done.

Mrs. Jacobs asked for the type of signage that would be proposed for this project. Mr. Elsey said that the signage was not part of his contract. Mr. Pritchard said that the size, location and type of sign was required to be on the site plan for the PC's review. Mr. Elsey said he could accommodate that issue. Mr. Pritchard noted that the proposed sign location on the site plan was not in compliance with the code.

Mrs. Jacobs said that the 100' riparian setback should be staked more clearly on-site for clarification. Mr. Elsey said this matter would be taken care of as soon as he could contact Mr. Mosyjowski. Mr. Houser suggested using orange construction fencing to stake this area, because survey markers tend to get misplaced during construction.

Mr. Houser commented that the detention area should not be included in the open space calculations. Mr. Elsey asked if this was a code requirement. Mr. Pritchard said that it was included in the Best Management Practices (BMP's). He said he was not sure if it would be an issue, but it should be noted. Mr. Elsey said he would try to accommodate this issue.

Mr. Houser said that the plans do not clearly state that the owner shall be continuously responsible for the post-construction maintenance and inspections in perpetuity unless such maintenance and inspections become officially accepted by the Community. He said that Chapter 1470.10(g) could be referenced for this matter.

Mr. Houser said that there should be access to the easement for the City as referenced in 1470.09(a).

Mr. Elsey requested a copy of the modifications mentioned that night by the Planning Commission so he could respond to them. Vice-Chairperson Jacobs explained that their comments were based on the professional comments from the Administration Staff and the Fire Division. The Secretary provided a copy of each of the professional comments to Mr. Elsey.

Mr. Elsey stated that, according to the Engineer's comments, he would have to verify whether or not the revised plans that he thought were submitted to the Engineer were indeed submitted.

Mrs. Marguerite Abbott said that she noticed a few parking spaces near the church driveway adjacent to the site in question and wondered if anything was planned for that area. Mr. Elsey said that a buffer or fence could be placed there. She wondered if that area had trees prior to the clearing of the property. Mr. Elsey said that the clearing was kept within the boundaries.

Vice-Chairperson Jacobs asked if there were any further questions or comments from the Commission; there were none. She asked three times if anyone present wanted to speak for or against the application; no one spoke. Vice-Chairperson Jacobs then called for a motion. **Mr. Houser moved to table SPR 8-2006; seconded by Mrs. Jacobs. ROLL CALL: Mr. Houser-Yea, Mrs. Jacobs-Yea, Mr. Conklin-Yea, Mrs. Abbott-Yea, Mr. Spisak-Abstain. The motion passed 5-0-1, tabling SPR 8-2006, by PC Resolution No. 01-2007. The resolution was sent to the Administration and to Council for their information.**

Mr. Elsey asked for the time limit of submitting the modified site plan. The Secretary told him he could submit it within one week of the next scheduled Planning Commission meeting. He requested a copy of the minutes from that evening. The Secretary informed him that the preliminary minutes were usually available one week after the meeting.

(At this time, Vice-Chairperson Jacobs turned the meeting back over to Chairperson Spisak.)

### **III. OLD BUSINESS:**

#### **A.) Proposed City of Norton Comprehensive Plan:**

Mr. Pritchard announced that the proposed City of Norton Comprehensive Plan would soon come before Council. Mr. Spisak mentioned that he would be present at that meeting to give a speech regarding what the Comprehensive Plan means for Norton and to answer questions. Mr. Pritchard recommended that all the PC members be present.

*Planning Commission Approved/Signed Minutes 01-09-07  
Respectfully Submitted by Cindy Hughes, B.C. Secretary/Stenographer  
4 pages + attachments*

**IV. NEW BUSINESS:**

**A.) Election of Officers:**

**1.) Chairperson:**

Mrs. Abbott nominated to re-elect Mr. Spisak for Chairperson. With no other nominations for Chairperson, the Secretary called for a motion from the Commission. **Mrs. Abbott moved to re-elect Mr. Spisak as Chairperson; seconded by Mrs. Jacobs. ROLL CALL: Mrs. Abbott-Yea, Mrs. Jacobs-Yea, Mr. Conklin-Yea, Mr. Houser-Yea, Mr. Spisak-Yea. The motion passed 5-0, re-electing Mr. Spisak as Chairperson.**

**2.) Vice-Chairperson:**

Mrs. Abbott nominated to re-elect Mrs. Jacobs for Vice-Chairperson. Mrs. Jacobs thanked Mrs. Abbott for the nomination but excused herself from the nomination. Mrs. Jacobs then nominated Mr. Houser as Vice-Chairperson. With no other nominations for Vice-Chairperson, the Secretary called for a motion from the Commission. **Mrs. Jacobs moved to elect Mr. Houser as Vice-Chairperson; seconded by Mr. Spisak. ROLL CALL: Mrs. Jacobs-Yea, Mr. Spisak-Yea, Mr. Conklin-Yea, Mr. Houser-Yea, Mrs. Abbott-Yea. The motion passed 5-0, electing Mr. Houser as Vice-Chairperson.**

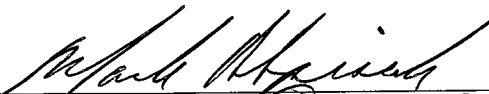
**V. CONSIDERATION OF MINUTES:**

**A.) Planning Commission Minutes of the Tuesday, December 12, 2006, meeting:**

The Commission reviewed the minutes from their Tuesday, December 12, 2006, meeting and Chairperson Spisak called for a motion. **Mrs. Jacobs moved to approve the minutes of Tuesday, December 12, 2006, as submitted; seconded by Mr. Houser. ROLL CALL: Mrs. Jacobs-Yea, Mr. Houser-Yea, Mr. Conklin-Yea, Mrs. Abbott-Yea, Mr. Spisak-Yea. The motion passed 5-0, approving the minutes as submitted. They were signed and processed accordingly.**

**VI. ADJOURNMENT:**

Chairperson Spisak announced that their next meeting was scheduled for Tuesday, January 30, 2007, at 6:00 p.m. With no further business coming before the Board, Chairperson Spisak adjourned the meeting at 6:38 p.m.

  
\_\_\_\_\_  
Planning Commission Chair/Vice-Chair

  
\_\_\_\_\_  
Planning Commission Vice-Chair/Member

1/30/07  
Date

**RESOLUTION  
PLANNING COMMISSION**

**January 9, 2007**

**PC RESOLUTION NO.: 01-2007**

**RE: PC Application SPR 8-2006  
Major Site Plan Review  
3095 Barber Road (TEMP)/PPN's 4603791 & 4603792  
World Real Estate Services, Owner  
John Elsey, Architect, Agent  
[To Construct an Auto Sales and Service Area.]  
(See attached BZA Resolution No. 23-2006.)**

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

Move to ~~approve/deny~~ table PC Application SPR 8-2006, regarding the construction of an Auto Sales and Service Area on the property known as 3095 Barber Road (TEMP)/PPN's 4603791 and 4603792.

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN 1

Therefore PC Application SPR 8-2006 is:

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ TABLED X

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

[Signature]  
Planning Commission Chair/Vice-Chair

[Signature]  
Planning Commission Vice-Chair/Member

1/9/07  
Date

**RESOLUTION**  
**BOARD OF ZONING & BUILDING APPEALS**  
**NOVEMBER 21, 2006**

**BZA RESOLUTION NO.: 23-2006**

**RE: BZA Application A20-2006  
3095 Barber Road (TEMP)/PPN's 4603791 & 4603792  
World Real Estate Services LLC, Owner  
John Elsev, Agent  
Requesting a Variance to Section 1472.13(a):  
Uses Prohibited in Riparian and Wetland Setbacks.  
[To Construct a New Auto Sales & Service in a 100-Year Flood Plain and Riparian Setback.]**

The Board finds that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.  True  False

The Board shall further make the finding that the granting of the variance will be in harmony with the general purpose and intent of the ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.  
 True  False

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with the ordinance as provided by Section 1254.04(c)(1F2) of the Codified Ordinances of the City of Norton, Ohio.

The following conditions and safeguards are hereby made a part of the requested variance:

Motion to approve/table/deny BZA Application A20-2006, regarding a variance to Section 1472.13(a)-Uses Prohibited in Riparian Setbacks, to construct a new auto sales and service in a 100-year flood plain and riparian setback, on the property known as 3095 Barber Road (TEMP)/PPN's 4603791 & 4603792, for the following reason(s):

(See attached Exhibit A.)

Vote on Motion: FOR 5 AGAINST 0 ABSTAIN 0

Therefore BZA Application A20-2006 is hereby:

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.

  
Board of Zoning & Building Appeals Chair/Vice-Chair

  
Board of Zoning & Building Appeals Vice-Chair/Member

12.13.06  
Date

BZA Resolution No. 23-2006  
Exhibit A

- 1.) Variance is granted to limit the site riparian setback to not exceed 100 foot.
- 2.) Extending the setback to the limits of the 100-year flood plain would cause extreme and undue hardship to the owners of the previously existing plots;
- 3.) The environmental easement (riparian setback) shall have suitable vegetation, grasses, shrubs, trees, etc. and be maintained by the property owners;
- 4.) Suitable BMP calculations shall be furnished to the City of Norton for approval;
- 5.) The site plan features shall be in compliance with the BMP calculations;
- 6.) Consideration of construction materials for the site plan to the parking area east of the proposed building to offer additional mitigation to the impact caused by a none-pervious paved area; &

(These conditions are be approved by the City of Norton.)

