

City of Norton
PLANNING COMMISSION
Tuesday, November 11, 2008

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

I. ATTENDANCE:

PRESENT: Mark Spisak, Todd Houser, Ralph Dowling, John Conklin,

ABSENT: Janet Jacobs

ALSO PRESENT: Pat Ryan, Zoning Inspector
Jim Oberdorfer, Interim Planning & Community Development Director

II. PUBLIC APPLICATIONS:

None

III. OLD BUSINESS:

Chairman Spisak asked about the rezoning on Cleveland-Massillon, Greenwich, Pleasant and Croydon Roads. Ms. Ryan stated Council approved a majority of the rezone. She said there was some protest at the corner of Croydon Road and Greenwich Road by a few residents. She said Council approved the rezoning except for four (4) parcels. She said Council sent the rezone back to the Planning Commission for further consideration and review of the four (4) parcels. She said if this Board would like to move forward, a Public Hearing would need to be set. Chairman Spisak asked for identification of the four (4) lots. Ms. Ryan stated the parcel numbers were 4602442, 4604497, 4600672, and 4600671. She presented the Board with a map of where the parcels were located. She said the owner of one of these properties was present at the meeting tonight and was in favor of the rezone. She said the property to the north could also be interested in the rezone. She said if a Public Hearing were set, all contiguous property owners would be notified. She said this would give the adjoining properties a chance to speak for or against the issue. Mr. Conklin asked if this Board would be holding a Public Hearing at the Planning Commission level, then a second Public Hearing at Council level. Ms. Ryan stated that was correct. Ms. Ryan stated there was determination by a previous Law Director that a Public Hearing was not required. She said this language was not removed from the text and still exists from 1988. She said a Public Hearing would need to be held with both the Planning Commission and Council until an amendment can be done. Mr. Conklin asked if the present Law Director felt the public portion of the Planning Commission should continue on all rezoning issues until the issue is removed. Ms. Ryan stated yes, that was correct. She said if the Board would like to move forward with the Public Hearing, it would be scheduled for Tuesday, December 9, 2008. She said there was some question as to why this rezone didn't continue to Easton Road. She said the Board could expand this rezone to Easton Road if they choose. Mr. Dowling asked if there was any input from the resident on the corner of Croydon Road and Greenwich Road. Ms. Ryan stated the resident had not contacted her. Mr. Dowling asked if the past Planning and Community Development Director started the rezone. Ms. Ryan said he did initiate the rezone, but there had also been interest in the area. Mr. Dowling asked Mr. Oberdorfer if he had experienced this situation before, where a corner does not wish to be developed. Mr. Oberdorfer stated regarding the zoning issue, it seems logical to zone the area business. Ms. Ryan said from what she understood, the residents that did not agree with the rezone, live further up on Croydon Road. She said the issue might not be the residents on the corner. Chairman Spisak asked if anyone from the audience would like to speak on this issue.

Mr. Mickey Yalczko, 3283 Greenwich Road, Norton, Oh, 44203, approached the podium. Mr. Yalczko stated he had spoken with the past Planning and Community Development Director on this rezone. He said that the past Planning and Community Development Director stated he would like to have parallel zoning on Greenwich Road. He said the corner lot was instrumental on this rezone. He said the rezone on the corner would benefit a developer and the City of Norton. He said it would not be good for the residents on Croydon Road to stay residential. He said if a business was beside their property, the residents would then complain about noise. He said it was not right for people living further up on Croydon Road to complain about what residents do with their property on Greenwich Road. He said if their Croydon Road property was not involved with the Greenwich Road rezone, they have no reason to complain. Chairman Spisak thanked Mr. Yalczko. He said at this point, the Board was just deciding if they need to have a Public Hearing or not. He said residents would be notified if there would be a Public Hearing. He said Mr. Yalczko's comments would be in these minutes and invited Mr. Yalczko to come back with his comments, if there would be a Public Hearing. He said this rezone issue seemed to be getting enough discussion from the population and residents. He suggested the Planning Commission might need to schedule a Public Hearing on Tuesday, December 9, 2008. **Chairman Spisak called for a motion to consider Planning Commission Resolutions 14-2008 and 15-2008, concerning the four (4) parcels on Croydon Road and Greenwich Road from R-1 to B-2, seconded by Mr. Houser. ROLL CALL: Mr. Spisak-Yes, Mr. Houser-Yes, Mr. Dowling-Yes, Mr. Conklin-Yes. The motion passed 4-0.** Mr. Dowling asked if residents of adjoining lots would need to be notified. Ms. Ryan stated only the adjoining lots would need to be notified. She said approximately eleven (11) adjoining lots would be notified including the property owners. Chairman Spisak asked if a legal notification would be in the paper. Ms. Ryan stated a legal ad would need to be placed in the paper. Mr. Conklin asked whose budget the legal notification and mailings would come from. Ms. Ryan stated it would come out of the Planning Commission's budget. Mr. Dowling stated he thought when the zoning codes were rewritten, this procedure stopped. Ms. Ryan said they have not found where the text amendment was removed. She said there was also nothing in the Charter about it. She said the 1988 Code was still standing according to the City Law Director. She said the City would need to abide by this Code and have Public Hearings until the Code was changed. Mr. Conklin asked if nothing had been found on this as far as a legal opinion. Ms. Ryan stated not as far as the text amendment. She said the Charter doesn't call for the Public Hearing, but the 1988 Zoning Ordinance still does. Chairman Spisak asked if the Planning Commission would need to change the ordinance. He asked if the Planning Commission would need to make a resolution for Council to act on. He asked that the Planning Commission add this to the next agenda, because of the duplication of Public Hearings. Ms. Ryan said the Law Director was aware of the issue and was working on the text.

Chairman Spisak asked if there was any other old business, there was none.

IV. NEW BUSINESS:

Chairman Spisak asked if there was any new business.

Ms. Ryan stated a resident had inquired about the rezoning their property on Cleveland-Massillon Road. She said Administrative Officer, Rick Ryland, stated if there were enough residents interested in that area, he would consider initiating the rezone of these properties by the City or Planning Commission. She said Mr. Danko was in the audience tonight. She said the Board would not be making any decisions tonight, but could have a general discussion on the issue. Chairman Spisak asked if anyone would like to speak on the issue.

Mr. Joe Danko, 3805 S. Cleveland-Massillon Road, Norton, OH, 44203, approached the podium. He stated he was interested in rezoning his property to business. He stated his neighbor was also present at the meeting tonight and interested in rezoning their property. He said Ms. Tompkin's from the audience, had showed him a zoning map and it showed the zoning was south of her property. He said neither of them knew when this zoning went through. Ms. Ryan stated she didn't have the Ordinance with her, but would have it available if needed. Ms. Tompkins stated she did have the Ordinance. Mr. Danko asked if his property taxes would go up if his property were zoned commercial. Ms. Ryan stated the property would be classified residential until it becomes a commercial use. She said if it were a home, it would remain residential until it was turned into a commercial use. Mr. Danko asked if there were any pros or cons to getting his property rezoned now, or should he wait. Ms. Ryan said a rezone would secure the property for commercial use in the future. She said it would prevent a developer from using the property frontage for residential. Mr. Danko asked how this rezone could be started. Ms. Ryan stated if it was done as one action, it would be \$450.00 (Four hundred fifty dollars) divided by however many people were involved in the rezone. Chairman Spisak thanked Mr. Danko.

Chairman Spisak asked if anyone else would like to speak on the issue.

Ms. Elaine Tompkins, 3848 Cleveland-Massillon Road, Norton, OH, 44203, approached the podium. She said Mr. Danko called her and asked if she was interested in seeing Cleveland-Massillon Road rezoned up to I-76. She said it seemed practical to rezone on both sides of the road. She said she had the latest rewrite of the City's Comprehensive Plan. She said it does encourage commercial use of houses on the Cleveland-Massillon Road Corridor to preserve existing neighborhood character. She said both sides of the road could be done at one time, in one package. She said there was a large parcel in the area that may object to a rezone, but most people would probably be interested up to I-76. She said she would be interested in participating and promoting the rezone. There was general discussion on the rezone. Chairman Spisak thanked Ms. Tompkins.

Mr. Danko asked if this rezone would chase the residents out or bring commercial into the area. Ms. Ryan stated it would bring commercial into the area. She said the freeway was there with an entrance to the north. She said the road would be widened with more access. She said if city water and sewer were in the area, it would only attract commercial in the area. Mr. Oberdorfer stated when Cleveland-Massillon Road is widened and the utilities are established, then commercial would be attracted to the area. Mr. Danko asked how many lanes the Cleveland-Massillon Road Widening Project would have. Ms. Ryan stated the Road Widening Project would have between three and five lanes. Mr. Oberdorfer stated the proper sequence was to have the road widened before commercial starts building in the area. He said this way; the roads and utilities are established. He said the opposite happened in Montrose. He said they had country roads, then commercial moved into the area. He said this way you can have access control and not have a driveway on every lot. Ms. Ryan said buffers and landscaping would also be in place to preserve the area and lessen the impact on residential areas.

Ms. Tompkins asked the status of the Akron General Hospital property. Chairman Spisak stated the site had a For Sale sign up. There was general discussion about the site and possible reasons it may be up for sale.

Chairman Spisak asked about the Text Amendment for Time Frames. Mr. Oberdorfer stated he passed out information (see attached) to the Board on the Time Frame review. He said he went through the Subdivision Regulations and the Zoning Ordinance and looked at each of their various time frames. He said his background was an Urban Planner and also had worked in the private sector for a national real estate development company. He said he was looking to reduce time frames that could reasonably be reduced and leave the other time frames alone. He said this would make the process quicker for a developer and the city would be considered business friendly. He said this would also make time frames quicker for a developer when working with 30 to 60 day time frames. He said this takes the pressure off the city and transfers the pressure to the developer to perform. He said he did make a note of Public Hearing requirements. There was general discussion on Minor Subdivision Time Frames and the time frame requirements when Council breaks in summer. Mr. Conklin stated when he was Council President; he would always keep track of these time lines. He said it would be unusual for Council not to be aware of a time line and force Council into a special meeting. Mr. Dowling asked if the intent was to look at the time frames and propose modifications. Mr. Oberdorfer stated that was correct. Ms. Ryan asked if the Board would like to run a legal ad and have a Public Hearing on Tuesday, December 9, 2008 for the Text Amendment Time Frames. **Chairman Spisak called for a motion to have a Public Hearing on Tuesday, December 9, 2008 regarding new Time Frames for Subdivision Regulations and Zoning Codes, seconded by Mr. Conklin. ROLL CALL: Mr. Spisak-Yes, Mr. Conklin-Yes, Mr. Dowling-Yes, Mr. Houser-Yes. The motion passed 4-0.**

Chairman Spisak asked if there were any regulations on residential windmills. He said there was a lot of interest in energy efficiency and staying green. He said he would like to have this placed on the next agenda. Ms. Ryan stated she would do the research and have the information ready for the Board. Mr. Conklin asked to address the issue of outside wood burning furnaces. He said it was in the paper that the City of Akron just banned their use. Ms. Ryan said the City does have a few of these outside wood burning furnaces and she did not believe a permit was required. Ms. Ryan stated she would have the information available at the next meeting.

Ms. Ryan stated the Board would have a Public Application to review at their next meeting on Tuesday, November 25, 2008. She said this Application would be a Site Plan Review for the Bradford property on Heritage Parkway. She said this was a new building being constructed. She said the information on this Application was handed out to the Board tonight, instead of mailing it out

Ms. Ryan stated she would like the Board to look at the issue of Home Occupations. She said Type B Home Occupations in the Conditional Use Section goes before the Board of Zoning and Building Appeals (BZA), but all the other Conditional Uses go before the Planning Commission. She asked if anyone had the background on this issue. She said it also requires a Public Hearing under the general text for all Conditional Uses. She said since Type B Home Occupations go to the BZA, they do not have a Public Hearing before the Planning Commission. She said this might need to be rewritten to break out Type B Home Occupations and bring it under the Planning Commission, or have a disclaimer next to it that these go to BZA and do not need a Public Hearing under the Planning Commission. She said the general text in the section might have to be looked at.

Chairman Spisak reminded the Board of the OPC Meeting on Friday, November 14, 2008.

Chairman Spisak asked if there was any other new business, there was none.

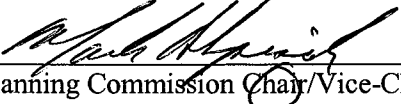
V. CONSIDERATION OF MINUTES:

The minutes of Tuesday, October 28, 2008 were considered.

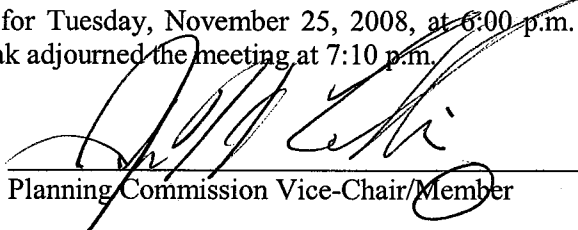
Mr. Conklin moved to accept Tuesday, October 28, 2008 minutes as submitted; seconded by Mr. Dowling. ROLL CALL: Mr. Conklin-Yes, Mr. Dowling-Yes, Mr. Houser-Abstain, Mr. Spisak-Yes. Motion passed 3-0-1. The minutes were signed and processed accordingly.

VI. ADJOURNMENT:

Chairman Spisak announced the next meeting was scheduled for Tuesday, November 25, 2008, at 6:00 p.m. With no further business coming before the Commission, Chairman Spisak adjourned the meeting at 7:10 p.m.



Planning Commission Chair/Vice-Chair



Planning Commission Vice-Chair/Member

11/25/08
Date

TIME FRAME REVIEW - NORTON SUBDIVISION REGULATIONS AND ZONING CODE

A. Subdivision Regulation Time Frames

Description	Norton time frame	Recommendation	Chapter
1. Minor subdivision	14 days by zoning inspector	7 days	1231.01(b)
2. Major subdivision			
sketch plan review	date agreed with developer	OK	
preliminary plat			
application	21 days before P.C. meeting	OK	
P.C. action	within 60 days of P.C. meeting	30 days	1232.03(c)(3)
P.C. option	table up to 60 days max. (developer must agree)	as agreed	1232.03(c)(3)
traffic impact required	table up to 90 days max.	60 days	1232.03(c)(3)
Council action	within 60 days of 1 st consideration of P.C. recommendation	OK	
final plat			
application	21 days before P.C. meeting	OK	
P.C. action	within 60 days of P.C. meeting	30 days	1232.04 (c)
P.C. option	table up to 60 days max. (developer must agree)	as agreed	1232.04 (c)
P.C. disapproved plat	resubmit with corrections within 30 days	OK	
No P.C. action	disapproved in 60 or 120 days if extended	OK	
Council action	within 30 days of P.C. recommendation approve, modify or deny	OK	
Council option	table up to 30 days max. (developer must agree)	OK	
No Council action	disapproval in 30 to 60 days if extended	OK	
effective date	30 days after Council approval	OK	
approval period	1 year from effective date	OK	

B. Zoning Ordinance time frames

Description	Norton time frame	Recommendation	Chapter
1. Zoning amendment			
P.C. action	within 60 days of application	OK	
Public hearing	15 day notice of Council hearing	OK	
Council action	approve, modify or deny within 90 days of public hearing	60 days	1256.10
2. Site plan review			
Minor site plan	Zoning inspector action "within a reasonable time"	30 days	1257.03(c)
Major site plan			
Staff review	no time limit	30 days	1257.04(c)(3)
P.C. action	P.C. action "within a reasonable time"	60 days	1257.04(c)(4)B
Expiration	within 12 months, if no construction start	OK	
Extensions	P.C. may grant up to 6 months each	OK	
Re-submittal	no submittal of a "substantially similar plan" within 6 months of disapproval	OK	

**AUDIENCE ATTENDANCE RECORD
PLANNING COMMISSION**

The following individuals were present and wished to speak at the Meeting of the Planning Commission held on **Tuesday, November 11, 2008**

PLEASE PRINT YOUR NAME CLEARLY:

(PLEASE NOTE: P.O. BOX ADDRESSES ARE NOT PERMITTED)

NAME:

STREET ADDRESS (NO PO BOX):

CITY & ZIP CODE:

Joe Danko 38055-CLEU-MASS NORTON OH- 44203

MICKEY MALECZKO 3283 GREENWICH RD. NORON 44203

ELAINE TOMPKINS 3848 CLEU-MASS NORTON 44203

Signed: Sam Campbell
Stenographer