



Planning Commission Memorandum

To: Karla Richards, Clerk of Council
From: Pat Ryan, Interim Boards & Commissions Secretary *PR*
Date: 10-25-09
Re: Approved/Signed Planning Commission Minutes:
Tuesday, October 20, 2009

Attached you will find a copy of the approved/signed Planning Commission minutes from Tuesday, October 20, 2009.

Note that the original document has been forwarded to, and will be on file with the Clerk of Council as the official record.

E-mail: Mayor (via Admin. Asst.)
Administrative Officer
Finance Director
Planning Commission
Fire Chief
Council
Director of Planning & Community Development
Engineer
Capital One

cc: Superintendent of Building & Zoning
PC File/Posting
Bill Mowery (Council)

City of Norton
PLANNING COMMISSION
Tuesday, October 20, 2009

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 6:00 p.m.

I. ATTENDANCE:

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

ABSENT:

ALSO PRESENT: Rick Ryland-City Administrator, John Moss-Finance Director, Chief Schultz-Fire Department, Russ Arters-Supt. of Building and Zoning, Pat Ryan-Zoning Inspector

II. PUBLIC APPLICATIONS:

- 1.) **Application SPR6-2009**
Major Site Plan Review
City of Norton, owner
Regarding property known as 3392 Greenwich Road/PPN 4602634 and
part of property known as 3380 Greenwich Road/PPN 4606127
[Proposing a new City of Norton Fire Station]

Chairman Spisak introduced the application and asked Mr. Moss, City of Norton Finance Director, to present the Application for the City.

Mr. Moss stated that page 10 and 11 of the drawing set showed the elevations. Mr. Dowling asked if the site plan was for both 3380 and 3392 Greenwich Road and Mr. Moss answered yes, there are currently two (2) buildings on the space where the fire station will be constructed, the Lahr House and the house on the old Beldick property. Mr. Dowling stated he understood that the Lahr House would be demolished. Mr. Moss and Mr. Ryland, City Administrator confirmed that it would be torn down. Mr. Dowling inquired if the access road would be marked to prevent unauthorized traffic. Mr. Moss stated the road is designed as a two-lane access road to the back of the proposed fire station and then at that point it will reduce to a single lane and will serve only as an exit lane for the Police Department. Mr. Moss stated there would be signage but it has not been determined what it will be at this point. Mr. Dowling asked if there would be doors on the south side of the new building to pull into the bays and if the two lane road would be the access into the south side or would the vehicles come through the parking lot. Mr. Moss explained the trucks would be able to swing around and come along side the building and out the front or out to the drive and exit onto Greenwich or Easton Road at the new intersection.

Mr. Conklin asked if the bays are deep enough to hold 2 pieces of equipment each. Fire Chief Schultz stated one of the bays will hold all three of the EMS units and the other bays will accommodate a fire truck at either end. Mr. Conklin asked if they would then have equipment facing north and south so they could both be out the door at the same time. Chief Schultz replied that was correct. The Chief further stated this will allow vehicles to move out quickly, currently they sometimes have to shift trucks to get equipment out.

Mr. Dowling asked if this was a preliminary site plan review discussion or full site plan review as is indicated by the application. Ms. Ryan stated she felt the Commission could approve the site plan with the information they have contingent on the approvals from all other necessary agencies. All necessary documentation such as the storm water calculations would be provided.

Mr. Arters stated the Storm Water Pollution Prevention Plan (SWP3) along with everything else has to be submitted with the building drawings. This needs to be reviewed by the City Engineer and are currently with the Summit County Soil and Water Conservation District (SWCD) for their approval. Mr. Arters stated the City is trying

to keep the project moving and they feel there is enough information for an approval from the Commission at this time. Mr. Arters added that any project on over an acre of land has to go through Summit County SWCD and the City engineer only approves projects on less than an acre. Mr. Houser asked if this was based on a Memorandum of Understanding with the SWCD. Mr. Arters replied, yes. Mr. Houser stated when he views the property on the Summit County GIS he sees areas there that are defined bed and bank and he does not see a stream reflected on a preliminary SWP3. Mr. Arters asked if Mr. Houser was referring to the manmade stream formed by runoff from the culvert at Greenwich Rd. Mr. Houser asked to stick with the defined bed and bank terminology and skip the fact that it has been modified over time. Mr. Houser asked if the consultants provided any documentation determining if this is or is not a defined bed and bank stream or surface water area. Mr. Houser explained that from a regulatory perspective, defined bed and bank is how one determines if it is a stream and not a natural swale. Mr. Ryland stated one of the first things they did early on was to bring out the County Engineer and the Corp of Engineers. Mr. Ryland stated Mr. Jim Blake from the Corp of Engineers came here about a year ago, walked the property in question and stated there was no riparian area, it was a runoff ditch. Mr. Ryland said Mr. Dave White from the Summit County Engineers Office also walked the property and felt that the area qualified as a runoff ditch. In addition, Mr. Ryland stated, GPD and the study for storm water runoff took into account that it was runoff from the 57 acres up Easton Road. Mr. Houser asked if any of those people provided a letter documenting that it was not a defined bed and bank stream. Mr. Ryland responded that he did not ask for one at the time but assumed he could ask for it. Mr. Houser felt it would be a good thing to do as it would demonstrate an excellent example of good practice in the City's annual report. Mr. Houser stated that the requirements under Chapter 1472 of the code for the establishment of riparian setbacks states documentation is necessary and needs to be provided. Mr. Arters stated that they realize they need a letter from Dave White at Summit County Engineers office since they do the updates, oversee everything and this is part of NPDES permitting. Mr. Houser asked if Mr. White is the person responsible for providing stream and wetland determinations for the County. Mr. Arters replied that he did not know. Mr. Ryland asked Mr. Houser that if there were a determination made that a riparian area exists, would he do anything different than piping it. Mr. Houser quoted the 2006 Comprehensive Plan on riparian areas and stated that Chapter 1472 goes into more detail. Mr. Arters stated the City would need to get a variance since riparian areas are not to be disturbed. Mr. Houser mentioned that this also plays out in the our MS4 Permit and the City provides annual reports to the Ohio EPA including how the City maintains these sensitive areas. Mr. Houser stated if we have a letter from a competent person stating that this is not a defined bed and bank and therefore it is not a water of the State then there would be no prohibition from our code to redirect and route that through conveyances under or over the ground. Mr. Houser asked if the Commission will see SWP3 for this project, given the fact that in the past the Commission has received full plans. Mr. Arters responded stating the plans are being done and will go to SCWD but he did not believe it was a requirement that the Commission approve them. Mr. Arters went on to state that it is a permitting process, something that needs to be done due to the acreage and GPD has submitted the plan to SWCD for their approval. Mr. Arters stated approvals will come to the Commission to show it has been completed and approved. Mr. Houser asked if the Memorandum of Understanding with Summit County states that in addition to those matters of general construction permits on projects such as this, will they assist us with zoning related matters such as riparian and wetland setback plan reviews. Mr. Arters stated he was not sure but if someone, residentially or commercially, was interfering with a riparian or wetland area they would come before the Board of Appeals for a variance. Mr. Arters said SWCD would not review a residential parcel and on commercial projects it would be reflected on the plan and SWCD would come out and inspect periodically. Mr. Arters said it is up to SWCD and himself to make sure the proper safeguards are in place before the footers are dug. Mr. Houser asked, more specifically, does the SWCD provide technical assistance with the MS4 responsibilities. Mr. Arters responded the SWCD does not provide that assistance. Mr. Houser asked who would oversee in the field to see that those things are maintained from a project standpoint. Mr. Arters replied it would be himself. Mr. Houser recommends that from a MS4 standpoint the City needs to be able to document that they have someone assigned to oversee the project, that they are doing it and following up in writing. Mr. Houser stated they also need the determination letter for the files stating it is or is not a riparian area and if it is, then we have a delineation that corresponds. Ms. Jacobs asked if something was done on a project incorrectly could the State fine the City. Mr. Houser stated it could be many different forms of penalties from both the Ohio EPA as well as the US EPA.

Mr. Dowling read a section regarding wetlands. Mr. Arters stated there are no wetlands on the property. Mr. Arters stated he reviews the maps he has to determine if wetlands exist. Mr. Houser stated field observations are the best way to determine if the conditions exist. There was a discussion regarding mapping and field surveys. Mr. Arters stated he uses the maps as a tool to determine the general location of sensitive areas and he does not require everyone to have a determination or delineation done. Mr. Ryland stated when a physical inspection of a property is done and

you notice indicators that there may be sensitive areas, there is a certain responsibility placed upon you to do something. However, to require someone to hire a wetland expert and certify that this is not a sensitive area when there are no physical indicators or maps that reflect riparian or wetland areas is, in his opinion, not needed. Mr. Arters explained if a site is untouched both he and SWCD review the site but neither of them walk the property. Mr. Houser asked if the only people to walk the property in that situation would be Planning Commission members. Mr. Ryland said this again goes back to the reliability of the engineers and GPD who is doing the SWP3 for the City and in this case they surveyed, they took test borings and walked the property. Mr. Houser asked if the GPD contract provided for a stream and/or wetland determination. Mr. Ryland responded he did not believe it is part of the contract. Mr. Houser stated he would not accept SWP3 as being comprehensive for stream determination if it is not part of their contract. Mr. Arters stated he goes back to what he has to go by. Mr. Arters stated he understands and they have done the site visit, they have walked it, he has reviewed the maps and he has done exactly what someone across the road would be required to do. Mr. Arters said they review the resources they have, which are the maps, and if there are wetlands on or at the edge of the property or if it is unclear then the applicant would have to have a wetland determination completed. If he has nothing that shows a wetland or riparian area then he does not make them do a determination for wetlands. Mr. Arters said they may do a site walk but ultimately it falls back to the owner, architect, engineer or whoever submits the plans, they are responsible for what is on the property. Mr. Houser stated he agreed. Mr. Ryland stated that as someone who used to buy large areas of land for development for retail space, the first place you would go is to the GIS and floodplain mapping to see what the maps determine. The purchase of a property, Mr. Ryland stated, is based on what those maps reflect and bringing in a wetland specialist to certify that no signs of sensitive areas are on a property when the maps show nothing generally won't happen. Mr. Houser replied most companies in the real estate business rely on people who do a determination and it is something that is more of a cursory work than a detailed work. Mr. Houser stated that the cursory work is put into a written report with a signature and date. Mr. Houser stated the SWP3 would incorporate the information from the cursory site visit that is generally referred to as a stream or wetland determination. Mr. Ryland stated that as a cursory review before they ever considered eminent domain for the property they had the Army Corps and SWCD come out and affirm that it was just a runoff ditch. Mr. Arters and Mr. Ryland stated they understood what Mr. Houser was speaking to and Mr. Arters assured the Commission they would get the proper documentation and this is why we looked at this as more of a preliminary site plan review. Mr. Houser stated a reason he is belaboring the point is because setbacks such as rear and side yard setbacks are those things that take up space and everything else is laid out around them, not over them, unless we vary them which means that you have considerations on their placement due to hardship or change of use. Mr. Ryland said that not being an engineer or as knowledgeable in this area as Mr. Houser is, you just need to look north on Easton Road where it is encased and running down through there - it is a ditch, there is no stream or natural waterway. Mr. Houser said that is a hard case to make due to the fact that we have so many streams and historic streams in our metropolitan areas that are underground, piped and are maintained as such, but besides that, he is sure that if we get the written documentation we will be clear from the MS4 standpoint and be able to follow through and document in our annual report in March to demonstrate Best Management Practices. Mr. Ryland stated he agrees with the best practices that Mr. Houser is trying to present. Mr. Dowling stated that Chapter 1472.09 does correspond with what Mr. Arters has stated in that it says the first level is to look at the official soil survey map. Mr. Houser agreed but added that maps are just resources and they do not remove our responsibility from the MS4 requirement so whether our ordinance speaks true to the exact detail of the need doesn't relinquish us from the need in our MS4 permit, which is audited. Chairman Spisak inquired if the ditch will be covered up to the catch basin by the recycling bin. Mr. Ryland answered it would be covered to that point then it is open and daylighted from that point south.

Chairman Spisak asked Mr. Arters if there were any variances needed. Mr. Arters responded that there will be one for the front yard setback so any approval from the Commission would be contingent on that variance approval from the Board of Zoning Appeals.

Mr. Conklin asked if we have title to the property. Mr. Moss replied that the City has equitable title not recorded title. Mr. Ryland added that the Commission has a copy of the Judgement Entry from the Court. Mr. Dowling asked if money has transferred. Mr. Ryland stated the money was given to the Court for disbursement. Mr. Moss added that the agreement transferred the interest yesterday with the delivery of the money and the final entry and that gave the City the right to enter the property and begin the process.

Chairman Spisak said he was looking at the grading at the retention area and asked if any groundwork needed to be done. Mr. Ryland stated that some fill would be needed to raise the elevation at the bay area on the west end of the building. Chairman Spisak said he did not think it was as steep as the drawings show. Mr. Moss replied that it isn't, but there is a large area of flat surface required for the apron in front, the building and the apron behind. Mr.

Conklin asked if the core samples from GPD support the fill process so there are no unstable soils. Mr. Ryland responded yes. Mr. Moss stated that besides basement space, the building is all on top of existing soil and there is nothing to remove because of instability. Mr. Conklin stated that the fill is then for the back apron. Mr. Moss agreed. Mr. Ryland said the elevation at the center of the building is at approximately 1067ft. and the center of the road is at about 1070ft. so they need to be brought up so that the floor of the station is not below the road centerline elevation.

Chairman Spisak asked if a traffic light is planned at the Easton Road intersection. Mr. Ryland stated that only a fire signal light would be installed.

Chairman Spisak asked if the sewer connection would be off of Greenwich and Mr. Ryland responded, yes, both sewer and water would be extended. Mr. Conklin asked if they would end at the fire station. Mr. Ryland stated the water line would go to the corner of Easton and the sewer line will be extended to Brookside on the north side of Greenwich because this is where gravity flow would stop.

Chairman Spisak asked if anyone on the Commission had any other comments. There were none. Chairman Spisak asked if anyone in the audience would like to speak. Mrs. Elaine Tomkins, 3848 Cleveland Massillon Road, came to the podium.

Mrs. Tomkins stated that it appeared from the site plan that the historical house was going to be moved and asked if this is correct. Mr. Ryland stated yes, with Council approval. Mrs. Tomkins added, also with historical society's approval. Mr. Ryland clarified that the Historical Society is already on board with the move. Ms. Tomkins said that was all she wanted to know and that she had no problems with it. Mrs. Tomkins asked where the house was being moved to. Mr. Ryland explained it was not going to be moved, it would be destroyed. Mrs. Tomkins stated this was unusual for the historical society to surrender it so easily because they worked so hard to have historical markers in the area and she hoped there was a plan to relocate the group. Mr. Ryland stated with Council approval there are plans to relocate the historical society into a 100 year old house. Mrs. Tomkins stated that was good that it would be relocated. Mrs. Tomkins said she hopes it all works out beautifully and she supports having the written support on documentation.

Mr. Conklin asked how long the new fire station would meet the City's needs. Chief Schultz stated it will last another 60 years because it has the ability to be expanded. Mr. Moss added that it is designed as a main station so if there was a lot of growth then a satellite station would be considered. Chief Schultz stated you can only run so much equipment from one station. Mr. Moss said the building was designed to take into account equipment needs in the future. Mr. Conklin asked if a multi-story structure was built in Norton would a ladder truck fit in the bay without hitting the top of the door. Mr. Moss responded yes, and without displacing another vehicle. Mr. Ryland stated there have been many discussions regarding the present and future needs of the station and this building does look well into the future needs as a city. Mr. Ryland said a ladder truck was not in the initial plan but they looked forward and will be able to accommodate one. Mr. Conklin asked if the fifth bay was taller than the rest. Mr. Ryland said it was not. Mr. Conklin asked if all equipment storage of fire apparatus in Sherman would cease. Mr. Moss stated no, but all equipment that is likely to run out of the station during a normal event will be stored at the new station. Mr. Conklin asked if the brush truck would be stored at the station. Chief Schultz stated the new one would be stored at the new station but the old one would not. Chief Schultz stated they have three support vehicles that currently sit outside year round and now all equipment would be stored inside. Mr. Conklin asked if there are any special contingencies for a fire hydrant to fill the tanker besides at the curb. Chief Schultz stated yes, they would be able to fill from inside the building from an 8 inch line that will come off a 16 inch water main.

Chairman Spisak asked if there were any more questions or comments from the Commission. There were none. Chairman Spisak made a motion to approve the Site Plan Review SPR6-2009 on property known as 3392 Greenwich Road/PPN 4602634 and a portion of the property known as 3380 Greenwich Road/PPN 4606127 to construct a new Fire Station for the City of Norton contingent upon approvals from all other necessary agencies and from the Board of Zoning Appeals for a front yard setback variance as needed. Mr. Conklin seconded the Motion. Ms. Jacobs asked the members if they wanted to add that the approvals be in writing and Mr. Houser added the approvals be in writing and from qualified personnel. The Commission agreed they would like to add that language. Chairman Spisak amended his motion to approve the Site Plan Review for the City of Norton Fire Station contingent upon approvals from all other necessary agencies in writing from qualified personnel and from the Board of Zoning Appeals for a front yard setback variance as needed. Mr. Conklin seconded the amended motion. **ROLL CALL: Dowling-Yes, Mr. Conklin-Yes, Ms. Jacobs-Yes, Mr. Houser-Yes, Mr. Spisak-Yes. Motion to Approve the amended motion passed 5-0.**

Mr. Ryland, Mr. Moss and Chief Schultz left at this time.

IV. OLD BUSINESS:

Chairman Spisak asked if there was any Old Business. There was none.

V. NEW BUSINESS:

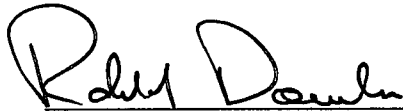
Chairman Spisak asked if there was any New Business. Ms. Ryan asked the Commission if they wanted to cancel their regular meeting for the following week since she did not have any items for the agenda. The Commission decided to cancel the meeting on October 27, 2009. Mr. Houser reviewed some specifications for bioretention areas. There was no other New Business.

VI. CONSIDERATION OF MINUTES:

Chairman Spisak asked if there were any corrections or additions to the minutes from September 22, 2009. Being none, Chairman Spisak asked for a motion. Mr. Houser made a motion to approve the minutes from September 22, 2009 as written. Ms. Jacobs seconded the motion. **ROLL CALL:** Mr. Conklin-Abstain, Mr. Dowling-Yes, Ms. Jacobs-Yes, Mr. Houser-Yes, Mr. Spisak-Yes. Motion to Approve passed 4-0-1.

VII. ADJOURNMENT:

Chairman Spisak announced the next meeting is scheduled for Tuesday November 10, 2009, at 6:00 p.m. With no further business before the Commission, Chairman Spisak adjourned the meeting at 7:35 p.m.



Planning Commission Chair/Vice-Chair



Planning Commission Vice-Chair/Member

11/24/09

Date

**RESOLUTION
PLANNING COMMISSION**

October 20, 2009

PC RESOLUTION NO.: 29-2009

**RE: Application SPR6-2009
Major Site Plan Review
City of Norton, Owner
Regarding property known as 3392 Greenwich Road/PPN 4602634 *
[Proposing a new City of Norton Fire Station]**

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

~~Approve~~/Disapprove/Table the Site Plan for the City of Norton Fire station contingent upon approvals from
all other necessary agencies and from the BZA for a front yard setback variance as needed.

IN WRITING FROM QUALIFIED PERSONNEL

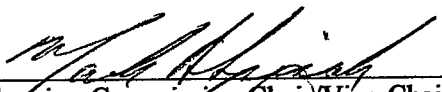
Vote on Motion: FOR 5 AGAINST 0 ABSTAIN 0

Therefore PC Resolution No. 29-2009 has been:

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.**


Planning Commission Chair/Vice-Chair


Planning Commission Vice-Chair/Member

10/20/2009
Date

*** AND PART OF PROPERTY KNOWN AS 3380 GREENWICH RD/PPN 4606127**

**AUDIENCE ATTENDANCE RECORD
PLANNING COMMISSION**

The following individuals were present and wished to speak at the Meeting of the Planning Commission held on Tuesday, October 20, 2009

PLEASE PRINT YOUR NAME CLEARLY:

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

NAME:

STREET ADDRESS (NO PO BOX):

CITY & ZIP CODE:

ELAINE TOMKINS

(SPOKE BUT DID NOT SIGN IN)

Signed: _____

Stenographer

Pat Ryan