



Planning Commission Memorandum

To: Karla Richards, Clerk of Council
From: Pat Ryan, Interim Boards & Commissions Secretary *PR*
Date: 12-9-09
Re: Approved/Signed Planning Commission Minutes:
Tuesday, November 24, 2009

Attached you will find a copy of the approved/signed Planning Commission minutes from Tuesday, November 24, 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

City of Norton
PLANNING COMMISSION
Tuesday, November 24, 2009

The Planning Commission of the City of Norton, Ohio, convened for a public meeting in Council Chambers at the Safety Administration Building. Vice-Chairman Dowling called the meeting to order at 6:25 p.m.

I. ATTENDANCE:

PRESENT: **Ralph Dowling, Todd Houser, John Conklin**

ABSENT: **Mark Spisak, Janet Jacobs**

ALSO PRESENT: **Russ Arters-Supt. of Building and Zoning, Pat Ryan-Zoning Inspector**

II. PUBLIC APPLICATIONS:

- 1.) **Application SPR7-2009**
 Major Site Plan Review
 Revlis Corporation, owner
 David Pelligra-Architect, Agent
 Regarding property known as 2845 Newpark Drive/PPN 4600452 and 4600453
 [Proposing an addition to the existing building, relocation of the drive and expansion of parking area]

Vice-Chairman Dowling introduced the application SPR7-2009 and asked Mr. Pelligra, Agent, to present the Application for the Applicant.

Mr. Pelligra, Architect of 2231 Broad Blvd., Cuyahoga Falls, Ohio stated that Revlis Corporation is wanting to expand. Revlis currently has a small area for the lab, employee restrooms and breakroom. Mr. Pelligra stated what Revlis is proposing will make the employee service area more up to date and handicap accessible. Mr. Pelligra said the addition is approximately 3500 square feet in area and will include a lab expansion as well. Mr. Pelligra noted the expansion is shown hatched on the drawing at the northwest corner and as a result, part of the parking had to be pushed to the north. Mr. Pelligra said the change in the drive and parking will allow the trucks to still go around the building. Mr. Pelligra explained the trucks come in on the existing south drive, unload at the 2 docks at the northeast side and then exit at the north drive. There are also 2 docks about midway on the north side and those would be eliminated. Mr. Pelligra noted that they are doing a minor upgrade of the office parking by cleaning it up and expanding because they do not have adequate parking and they are doing the same with the employee parking on the north side adjacent to a new north side employee entrance. Mr. Pelligra stated this is a much-needed improvement and he is happy the economy is allowing Revlis to do the expansion.

Vice-Chairman Dowling asked if the new drive was concrete. Mr. Pelligra said that was correct and the concrete will extend to about the rear of the proposed addition and then from that point east it will be a gravel surface. Vice-Chairman Dowling mentioned that he had spoken to Ms. Ryan, Zoning Inspector, earlier in the day about the riparian area and Ms. Ryan stated there was a Variance granted by the Board of Building and Zoning Appeals (BZA) to allow encroachment into the riparian setback. Mr. Pelligra stated Revlis, and their parent company Akrochem Corporation, have been working with the City of Norton to design a retention basin facility on lot 1 to the north, owned by Revlis, to overcome the problems they are having in the development with storm water. Mr. Arters stated the discussion about the retention basin has been going on for over a year and funding is what is holding the project from going forward but hopefully grant money will be awarded so the project can occur in the next year. Mr. Arters stated the plans for that project would come to the Planning Commission. Vice-Chairman Dowling asked if there was discussion at one time about raising the road level. Mr. Arters stated there was another project to raise the level of Newpark Drive and install new storm drainage but it was also dependent on funding which did not occur.

Vice-Chairman Dowling asked how many employees Revlis has. A representative from Revlis who was in the audience replied they have approximately 25 full time employees.

Mr. Houser asked if the Commission had a copy of the action taken by the Board of Building and Zoning Appeals. Ms. Ryan stated she sent the Resolution to everyone by email today.

Vice-Chairman Dowling asked what the zoning is for this lot. Ms. Ryan stated it is Zoned I-1. Mr. Arters added the use is allowed within the District and this building was constructed prior to the Riparian and Wetland Regulations were adopted so he feels it is difficult to prohibit a business from expanding when they were in existence prior to the additional setbacks going into effect. Mr. Arters added that with what is proposed for the lot to the north and the improvement that the retention area will bring to reduce or stop the flooding in the area and to the neighboring business, Comunale and the BZA took this into consideration.

Mr. Houser noted the rationale stated in the BZA Resolution was expansion of the existing business and asked if they made any other recommendations as part of their approval. Mr. Pelligra added there was a lot of discussion regarding the actual plotting of the riparian setback being reviewed for appropriateness. Mr. Houser asked Mr. Pelligra if anyone did any field work to determine conditions on the site. Mr. Pelligra answered that GBC Design has done site the site survey. Mr. Houser asked if the stream and setback were surveyed consistent with the ordinance. Mr. Pelligra stated they surveyed the basic site area and the building but they didn't go back to the stream but he believes they did pull the information from the GPS. Mr. Houser said that was the best they had until a stream survey is done. Mr. Arters stated that he is sure that will be done with the retention but currently there is discussion regarding the County riparian map. The City never adopted the County map so the entire map needs to be reviewed and adopted by the City. Mr. Arters explained the 'Y' in the riparian shown on the plan stops at the cul-de-sac and doesn't pick back up until you get to the other side. They are thinking that before Comunale went in it did follow through. Mr. Houser said historical reference is nice but current location is important in the establishment of the riparian setback based on our ordinance. The setback should be established in a horizontal and perpendicular fashion from the high water mark. Mr. Houser asked if the future stormwater management basin would be inline or offline with the stream. Mr. Arters stated he believes this will be determined when it is designed. Mr. Arters explained what the process would be adding that a lot split would be done and a portion would be sold to the City. Mr. Houser stated that offline will probably be more consistent for the City in their MS4 responsibilities and in a presentation like this, it is also consistent to show how they are going to make up for the loss in riparian function.

Vice-Chairman Dowling asked if there was an issue with the property lines. Mr. Arters stated Revlis owns both properties so there is no problem and when the retention project goes through the lot will be reconfigured and all the Revlis parking will be on one lot.

Mr. Conklin asked if we are still going by the County's riparian map. Mr. Houser stated that they do not have an actual field survey to go by which is problematic for a presentation because it depicts all other things which are spatial. Mr. Houser stated the BZA didn't have a very good area to go by if it's not grounded by what is actually in the field. Mr. Houser stated he agrees with the grand-fathering of the existing building and the use but you have moved further into the setback, which is change of use. There was discussion regarding the existing site plan and the new expansion. Mr. Houser said this should also be consistent with the 100-year floodplain and we can't establish that without following Section 1472.09(b)(1). Mr. Houser stated that his point is if there is no field determination of where that ordinary high water mark is then the presentation to the BZA was potentially not consistent with what is in the field. Mr. Arters stated the current FEMA floodplain maps show the entire area as being within the 100-year floodplain.

Vice-Chairman Dowling stated that he believes the entire site needs to be shaded to reflect floodplain. Mr. Houser agreed. Mr. Houser stated the City's MS4 Permit states we have a responsibility to protect those sensitive areas such as Wetland and riparian areas, which is what our riparian/wetland Section addresses, in addition to our stormwater management quality and quantity endeavors. Mr. Houser stated he feels this is a logical step for the business but from a procedural standpoint it is important for our community to have presentations that are consistent with our code.

Vice-Chairman Dowling stated the issue is whether the plat should be shown to be within the floodplain and asked if that would resolve one of the issues. Mr. Houser stated it would resolve it for the Planning Commission. Mr. Pelligra stated on sheet C-1 there is a note stating the entire site is in flood zone as identified on flood insurance rate map 39153CO186-Summit County effective 7/20/2009 and this was submitted to the BZA but it was not graphically reflected on the drawing.

Mr. Houser asked Mr. Arters if this went to Summit Soil and Water Conservation District (SSWCD) for review for riparian setbacks in regards to zoning. Mr. Arters stated no, he did not believe it needed to. Mr. Pelligra stated the forms were sent to the Ohio Environmental Protection Agency (OPEA) and they were returned stating they did not need to be submitted based on the amount of area to be disturbed and they have also been sent to SSWCD but

they have not received comments back. Mr. Houser stated the OEPA construction general permit is not necessary but zoning applies here. Mr. Arters stated he has not received anything from SSWCD. Mr. Pelligra stated that he would not expect a permit to be issued until something from SSWCD is received. Mr. Pelligra stated he had the GBC drawings and asked Mr. Houser if he wanted to look through them. Mr. Pelligra stated he would like to get approval tonight so they could proceed. Mr. Houser left his seat to briefly look at the plans.

There was discussion regarding what needs to be done internally in the future to alleviate these shortfalls in the future.

Vice-Chairman Dowling asked if Mr. Houser would have a problem approving this application tonight. Mr. Houser stated that the applicant has made every attempt to present in good faith the things that are consistent with our code, so he does feel it could be approved with the condition that an update is made available to the staff regarding the site plan reflecting the 100-year floodplain and riparian setback. Vice-Chairman Dowling asked Mr. Pelligra if he had any issue with updating the plan. Mr. Pelligra stated it could be done. Mr. Houser stated the updated plan would be beneficial to the City during an audit to show what was presented and in the public record. Mr. Houser stated since the 100-year floodplain area extends well beyond the site perhaps a location map showing a larger area could be included.

Vice-Chairman Dowling asked if there were any more questions or comments from the Commission. There were none. **Mr. Houser made a motion to approve the Site Plan Review SPR7-2009 for property known as 2845 Newpark Drive/PPN 4600542 and 4600543 with the condition that an update be made to the site plan as presented on sheet C-1 or others to indicate the riparian setback, either field reviewed for the riparian setback of 50 feet or consistent with the 100-year floodplain, based on Section 1472.09-Establishment of Riparian Setbacks. Seconded by Mr. Conklin. ROLL CALL: Mr. Conklin-Yes, Mr. Houser-Yes, Mr. Dowling-Yes. Motion to approve with condition passed 3-0.**

IV. OLD BUSINESS:

Vice-Chairman Dowling asked if there was any Old Business. There was an update on the findings of any jurisdictional waters at the fire station site and the process that needs to occur. There was no other Old Business.

V. NEW BUSINESS:

Vice-Chairman Dowling asked if there was any New Business. Mr. Arters stated they would ask Mr. White to attend the next meeting to address some of the issues discussed the last two meetings.

VI. CONSIDERATION OF MINUTES:

Vice-Chairman Dowling asked if there were any corrections or additions to the minutes from October 20, 2009. Being none, Vice-Chairman Dowling called for a motion. **Mr. Conklin made a motion to approve the minutes from October 20, 2009 as written. Mr. Dowling seconded the motion. ROLL CALL: Mr. Houser-Yes, Mr. Conklin-Yes, Mr. Dowling-Yes. Motion to Approve passed 3-0.**

VII. ADJOURNMENT:

Vice-Chairman Dowling announced the next meeting is scheduled for Tuesday December 8, 2009, at 6:00 p.m.

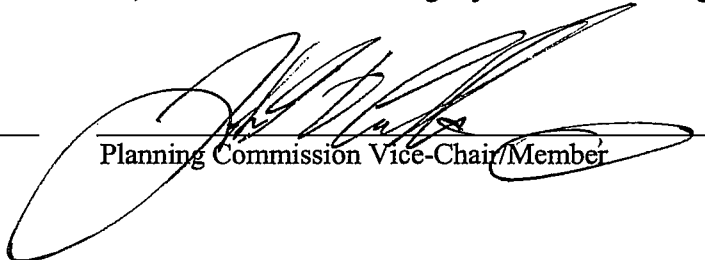
With no further business before the Commission, Vice-Chairman Dowling adjourned the meeting at 7:38 p.m.



Planning Commission Chair/Vice-Chair

12/8/09

Date



Planning Commission Vice-Chair/Member



Planning Commission Memorandum

To: Karla Richards, Clerk of Council
Council

From: Pat Ryan, Interim Boards & Commissions Secretary *PR*

Date: 11-25-2009

Re: PC Resolution No. 30-2009

Major Site Plan Review SPR7-2009

Attached you will find a copy of PC Resolution No.30-2009 approving the Major Site Plan Review for Revlis Corporation.

The original resolution has been forwarded to, and will be on file with the Clerk of Council for the official record.

E-Mail: Mayor (via Admin. Asst.)
Administrative Officer
Planning Commission
Board of Zoning & Building Appeals
Municipal Engineer
Director of Planning & Community Development

cc: Superintendent of Building & Zoning
PC Minutes (Resolution File)
PC File
Bill Mowery, Council

**RESOLUTION
PLANNING COMMISSION**

November 24, 2009

PC RESOLUTION NO.: 30-2009

RE: Application SPR7-2009
Major Site Plan Review
Revlis Corporation, Owner
David Pelligra, Agent
Regarding property known as 2845 Newpark Drive/PPN 4600452 and 4600453
[Proposing an addition to the existing building, relocation of the drive and
expansion of the parking lot.]

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

An update be made to the site plan as presented on sheet C-1 or others
to indicate the Riparian Setback, either field reviewed for the Riparian
Setback of 50 feet or consistent with the 100 year floodplain, based on
1472.09, Establishment of Riparian Setbacks.

Approve with the condition as stated above.


Vote on Motion: FOR 3 AGAINST 0 ABSTAIN

Therefore PC Resolution No. 30-2009 has been:

APPROVED X 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 X it's information.


Planning Commission Chair/Vice-Chair


Planning Commission Vice-Chair/Member

11/24/09

Date