

Planning Commission Memorandum

To: Karla Richards, Clerk of Council
From: Rebecca Lukats, Interim Boards & Commissions Secretary *RL*
Date: 04-13-2011
Re: Approved/Signed Planning Commission Minutes:
Tuesday, December 14, 2010

Attached you will find a copy of the approved/signed Planning Commission minutes from Tuesday, December 14, 2010.

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

E-mail: Mayor (per Admin. Sec.)
Administrative Officer
Finance Director
Planning Commission
Fire Chief
Council
Engineer
Capital One
Supt. of Building & Zoning

cc: App. File/Posting

City of Norton
PLANNING COMMISSION
Tuesday, December 14, 2010

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 6:00p.m.

I. ATTENDANCE:

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

ABSENT: Janet Jacobs

ALSO PRESENT: Pat Ryan, Zoning Inspector

II. PUBLIC APPLICATIONS:

**1) Text Amendment to Chapter 1296 – Supplemental regulations
Add Section 1296.20 – Dumpsters and Other Waste Containers**

Chairman Spisak introduced the amendment relating to trash receptacles. Ms. Ryan stated she received the text from Attorney Justin Markey of the Law Director's office and believes this originated from Council. Ms. Ryan stated this amendment ensures all dumpsters are screened or enclosed in the side or rear yard and under section 1296, Site Plan Review, discussion is required. Ms. Ryan said this language makes screening of these more specific.

Mr. Dowling said the only issue he sees is that when this is passed every existing trash dumpster would need to have a screening or enclosure built. Mr. Dowling also thinks that this is geared toward businesses and not residential. Mr. Dowling mentioned the schools as an example where the dumpsters are in the parking lots and asked if this would mean that they would need to build an enclosure for them. Ms. Ryan said that since this is a zoning requirement there may be pre-existing exemption, but since she is not fully aware of the intent of this change she could not answer with certainty. There would be circumstances where existing trash receptacles could not be moved but may be screened or enclosed such as along Cleveland Massillon Road in some of the commercial multi-tenant properties. Ms. Ryan also stated that this would apply to all districts including residential, keeping all garbage cans out of sight from the street.

Mr. Conklin asked if this was geared towards a residential area that has a commercial dumpster in the side or front yard because there are a fair number of those. Ms. Ryan stated they would need to be screened or enclosed so they are not visible from the street. Mr. Conklin asked if they would be grandfathered. Ms. Ryan again stated that because this is a zoning ordinance it could, but stated there is another existing ordinance prohibiting these types of containers in the front yard. She said this language only calls for the screening, it does not state they can't be in the front yard but the other ordinance does. Ms. Ryan mentioned that she asked it to be referenced in this section but Attorney Markey did not feel it was necessary. Ms. Ryan explained the reason she thought it was a reasonable request was because when she and Russ Arters, Superintendent of Building and Zoning, look into issues they do not necessarily look into the general ordinances, they look at the zoning code. In her

The Commission agreed they would like to see recycle containers addressed and would like the Law Director to address recycle containers and setbacks.

Mr. Conklin made a motion to table the amendment and send it back to the Law Director to consider the comments from the Commission regarding setbacks and recycle bins. Chairman Spisak seconded the motion. ROLL CALL: Mr. Houser-Yes, Mr. Dowling-Yes, Mr. Conklin-Yes, Mr. Spisak-Yes, motion carried 4 - 0.

Ms. Ryan noted the Commission did not state a date or the amendments in their motion.

Mr. Conklin made a motion to withdraw his previous motion. Chairman Spisak seconded. ROLL CALL: Mr. Houser-Yes, Mr. Dowling-Yes, Mr. Conklin-Yes, Mr. Spisak-Yes, motion carried 4 - 0.

Mr. Conklin made a motion to table Text Amendments to Sections 1296.20 to January 11, 2011, giving the Law Director time to address the Commissions comments regarding setbacks and recycle containers. Seconded by Mr. Spisak. ROLL CALL: Mr. Houser-Yes, Mr. Dowling-Yes, Mr. Conklin-Yes, Mr. Spisak-Yes, motion carried 4 – 0 for PC Resolution 19-2010.

and regarding

- 2) **Text Amendment to Chapter 1257 – Site Plan Review
Section 1257.04 – Major Site Plans
Amend 1257.04(b)(11)**

Mr. Conklin made a motion to table Text Amendments to Sections 1257.04 to January 11, 2011 based on the changes recommended from the Law Director for Section 1296.20 Seconded by Mr. Spisak. ROLL CALL: Mr. Houser-Yes, Mr. Dowling-Yes, Mr. Conklin-Yes, Mr. Spisak-Yes, motion carried 4 – 0 for PC Resolution 20-2010.

Chairman Spisak said that concluded the public meeting of applications portion of their meeting, and they will continue to old business.

III. OLD BUSINESS:

Tabled application R2-2010

Chairman Spisak said they would go out of order and proceed to point 3 of old business regarding the tabled application R2-2010, the map amendment for rezoning the Cleveland Massillon corridor. He said they had to re-table this again, and asked the members to choose a date, like the second meeting in February 2011. Mr. Conklin asked why they were tabling it. Chairman Spisak said that the setbacks have to be re-established first. After discussion, it was decided to table it until March 8, 2011.

Chairman Spisak moved to table application R2-2010 by PC Resolution 21-2010 until the March 8, 2011, meeting. Mr. Todd Houser seconded the motion. ROLL CALL: Mr. Houser-Yes, Mr. Dowling-Yes, Mr. Conklin-Yes, Mr. Spisak-Yes, motion carried 4 - 0.

General Discussion:

Dimension Requirements for Districts

Chairman Spisak suggested that they talk about dimension requirements for districts and buffers and landscaping in a general mode. He said he didn't think Ms. Ryan had made any advancement since their last discussions. He suggested that they take a view of what they have at hand, so they know how to move forward.

Ms. Ryan said they were stuck on the size of the minimum lots in the business districts. Mr. Dowling said they were talking about 75 square feet and there was more discussion about the side yard setbacks. Mr. Conklin asked if they decided they were too much or too little. Ms. Ryan said if she remembered correctly, the lot sizes in the B-1 District turned out to be ok. She said you were thinking of doing a town center and that would be the B-1 District. She said in that district you could allow smaller businesses with B-2 and B-3 Districts going up towards the freeway. Ms. Ryan said in the B-2 and B-3 Districts you might have restaurants and small box type stores, like Office Max or something like that. She said that is where they were thinking 22,000 square feet was a little small. Mr. Dowling said there was no recommendation made last time, they just pointed out that the B-1 District was 22,000 square feet and they thought they should increase the other lots. Mr. Dowling asked Ms. Ryan what Northstar had. Ms. Ryan said they all had 22,000 square feet, but they only had 75 feet for width.

Ms. Ryan said there is a proposed lot split for the Bishop property up on Cleveland Massillon Road. She said she thought it was 135 feet wide, and thought there was some type of restaurant proposed for the lot. She said if they are looking at 135 feet wide; she wondered how deep the lot was. Mr. Dowling said it would have to be 500 - 600 feet. Ms. Ryan said it doesn't go all the way back. Ms. Ryan commented that 75 feet would be pretty narrow, but it may be ok for a B-1 district with a smaller business. Mr. Dowling said that a 400 feet x 75 feet lot is 30,000 square feet or .6 of an acre, and commented that was not really very big. Ms. Ryan agreed and said on top of that you also have setbacks of 75 feet and 15 feet on each side. She said that would make you go down to a 45 feet wide building. Chairman Spisak said that was not going to work. Ms. Ryan said the minimum is 125 feet. Chairman Spisak says for lot width, he thinks they should add 50 feet.

Mr. Dowling said the difference between uses in the B-2 District and the B-3 District are pretty compatible on the size of a business. Ms. Ryan agreed when you look at it for new uses. Mr. Dowling said you would have to be in a B-3 District to have a restaurant. He said the question is between what you need for a B-2 and B-3 District. Ms. Ryan suggested keeping the B-3 District up around the freeway, as highway commercial and to keep the designations the same. Mr. Dowling suggested making the B-2 and B-3 Districts the same width; Ms. Ryan said that would work. Mr. Dowling said if a B-2 District is at 125 feet, to get to 22,000 square feet it would have to be 176 feet back. He said the building would be 40 feet deep and the setback from the road would be 100 feet if the parking were in front, if not it is 50 feet. He said at 100 feet it would give 36 feet of leeway.

Chairman Spisak reminded them that these were minimums they were talking about. Mr. Dowling said the building size was not controlling it, but rather the setback requirements. Chairman Spisak and Ms. Ryan agreed. Ms. Ryan said if you have someone with a small lot and they try to put too much on that lot, the maximum lot coverage is going to prevent them from building. Mr. Dowling said if you bump it up from 22,000 square feet to 30,000 square feet you would still deal with a lot that is less than an acre; Ms. Ryan agreed. There was discussion about the bar/pub located by the Bishop

property and having to do lot splits and combinations because it was straddling two lots. Mr. Dowling said a lot 240 feet deep in relation to Cleveland Massillon Road would not have any problems in making the lot width. He said if you tried to do something in a B2 or B3 District at 125 feet, he would assume you would have problems with those lots. He said 30,000 square feet would give you something that is 125 feet in width and at least 240 feet deep.

Chairman Spisak said there would be a problem setting it at 125 feet, because all the lots are less than that and they would be classifying this area as a B-2 District. He said that would make the whole area un-buildable. He said they would have to combine lots or something like that, they couldn't buy just one lot. Ms. Ryan said on an existing lot, they would be grandfathered in. She said you can not make someone purchase more land, especially if they are landlocked. She said as long as they can meet their setbacks, it is considered a non-conforming lot. Ms. Ryan said if they decide to buy a non-conforming lot, it would be just like putting a house on a lot if the house doesn't meet current zoning. She said it met zoning at one point in time, so it is a non-conforming lot. Ms. Ryan said if they bought a lot that was 100 feet wide and wanted to put a business on it, as long as they met all setbacks, they could build on it; otherwise they would have to go for variances. Mr. Dowling said anything they put in there is for future creation of lots; Ms. Ryan agreed.

Ms. Ryan said again it would help them if she looked through other codes on fairly new commercial areas, like in Fairlawn and down on State Route 18. She said she would look at lot dimensions for something like an Applebee's Restaurant or an Office Max building, so they could have a reference. She said all of those are pretty square uses, and they would have parking all the way around the building. She said they are going to want something that is 300 feet x 300 feet, not a 75 feet wide lot. She said they will dictate themselves as to what they need, but you still have to have something that guides everyone else for a minimum lot split.

Mr. Dowling said if you look at an Applebee's (like in Wadsworth) there are approximately 8 or 9 cars across the front plus an entrance. He said there would be some corner parking issues, but you are probably still at 125 feet; Ms. Ryan agreed and said it is small lot. She said they also have extra parking in back, but they go deep in the back and actually share an entrance with a bank.

Mr. Dowling said 125 feet in a B-2 and B-3 District is probably reasonable. He said the question was, what do they want to use for a minimum lot width. Ms. Ryan said could do a quick search for them. She said they could go over it again when Russ Arters, the Building and Zoning Superintendent, was present instead of trying to figure out what it might be. Ms. Ryan said she will research the Fairlawn area at the shopping center where the lots are, and do a couple of other areas.

Mr. Conklin said obviously the rezoning of Cleveland Massillon Road will now be handled by Mr. Arters; Ms. Ryan agreed. Ms. Ryan said she has to get the maps updated for Mr. Arters and said he is fairly aware of what they are talking about and what they have established. She said she has the residential written up, now it is just the commercial.

Buffers and Landscaping:

Ms. Ryan asked if she could quickly jump to buffers in the proposed Chapter 1256. She said Mr. Majewski calls for a solid fence, concrete or masonry wall between uses. She quoted from code text saying "a lot located in the business district that abuts a residential district, the minimum side or rear yard shall be 50 feet, provided that a solid fence 6 feet in height shall be installed along the property line or within the yard or the maximum side or rear yard abutting the residential district shall be 25 feet, providing a solid masonry wall 6 feet high be installed along the property line or within the yard."

Ms. Ryan said she grew up by a commercial use with a masonry wall, and it was not pretty. She said in her opinion, she would rather have live screening or something like that and keep a 25 foot buffer; they could even do a solid opaque landscape screen. She said in her opinion the fencing will fall apart, the masonry is going to peel or buckle and it is going to look ugly. Ms. Ryan said she would recommend, if it abuts a residential, 50 feet would be fine with 25 feet of that landscaped with an opaque screening of natural vegetation, being at least 6 feet in height. She said 50 feet could be a little much, but at least have 25 feet of solid screening of landscaping area with trees. She said she knows trees can die, but you just go after them to replace them, and if it is done right it would be much better than a fence. She said with a fence, you could have potential problems in upkeep with painting, etc. and could have neighbors complaining about the fence. Ms. Ryan said you could have a combination of fence and trees, but a solid wall of masonry is not aesthetically pleasing to the eye.

Ms. Ryan said Mr. Majewski is only calling for 1 tree every 50 feet, but she said it would still be at the discretion of this Commission. If the applicant did not want to comply, they would have to submit a site review plan and at that time the Commission would decide whether or not the applicant would have to put up the screening. Ms. Ryan said this is only addressed if it abuts a residential district, and in her opinion some screening or some kind of landscaping on the property is needed to make it look good. She said you don't have to screen industrial to industrial but there should be some kind of landscaping on the property preferably in the front, but it is definitely needed if it is residential.

Mr. Dowling said the 50 feet seems too excessive, in his opinion 25 feet would be better. He said if you put in 1 or 2 evergreens in the back, it would not add any value to screening. Ms. Ryan agreed, and said they could put it at 50 feet (but also give a minimum), unless they decide to put in an opaque barrier and the Commission could then reduce it to 25 feet. She said this would give them an incentive to do the landscaping. Mr. Dowling commented about the Taco Bell in Barberton, and it's wooden fence that is probably 2 feet off of their property line. He said it was probably done for aesthetics, but aesthetic to their property instead of the neighbors.

Ms. Ryan said under Section 1258.06 b they only call for 10 feet from the street right-of-way. She said when you widen the street you would now be into their parking lots. In Ms. Ryan's opinion there should be a minimum of 25 feet on major streets. She said by doing this you could have some landscaping, like trees, so if the street widens you would have 10 feet remaining. Mr. Conklin said look at Cleveland Massillon Road now. Ms. Ryan said yes, they are going to widen it and in the future they could come back and widen even further. She said they could easily add another lane or two in 15 years or so. There was discussion about the Chase Bank, and what the widening of Cleveland Massillon Road would do to their parking, along with the impact of the widening on the First Merit Bank and the corner gas station.

There was discussion about expanding the landscaping in larger flat parking lots to include parking islands. Ms. Ryan stated that some zoning codes require islands to include a certain number of bushes/shrubs or trees in them. They discussed the faults of the ACME shopping center parking lot and how after-the-fact of installing islands with vegetation, it created more congestion and less parking spaces. Ms. Ryan said the new Digestive Center on Cleveland Massillon Road was a good example of landscaping and buffers. She said that is one business the Commission can point to during the process, and say that is an example of what we want. She said it is amazing how businesses and developers will change their way of thinking on this if you push them. She said in her opinion, if you don't have the landscaping or buffering within the code, developers won't do it. Ms. Ryan said she will get some things together for the business setbacks.

Ms. Ryan suggested the front yard set back be 75 to 100 feet. She said you could suggest if they put their parking in the side or rear, then you would reduce it to 50 feet. She suggested that the

Commission not give them 50 feet right away, or they will put their parking in the front and go right to the road with it. Ms. Ryan said they could always go for a variance if they want parking in the front.

Mr. Dowling said it was interesting that in Section 1258.06, regarding tree plantings in parking areas, they treat business to business more critical than they do business to residential. It states the setback was 5 feet back from the lot line with 1 shrub, 2 feet high shall be planted for each 3 feet of width of the parking lot; that is where side rear yards are adjacent to non-residential areas. He said when you get to buffers in business districts, where it looks like it is more residential, they require a tree every 50 feet. He said the restrictions are worse. Ms. Ryan agreed and said that they got it backwards; Mr. Dowling agreed. Ms. Ryan said she would make the parking lot setback from the lot line greater than 5 feet. She said because you have a curb, if you overhang that curb by 2 feet or more and the next parking lot does the same thing, you would be bumper to bumper.

Ms. Ryan suggested that you encourage some kind of either a grass strip between two businesses in town or it could be grass and a couple of bushes between them. She said in the middle of town, it would look nice to see a little greenery or shrubbery between businesses. Ms. Ryan said they should also be encouraged to combine their parking lots, to get rid of all the curb cuts. Mr. Dowling said that is the issue with Applebee's in Wadsworth, there is only one entrance that they share with the bank. He said you have to just sit and wait to get out, because traffic is so bad; a back entrance would have been nice. Ms. Ryan agreed and said it is like that in Fairlawn also, with trying to get out onto State Route 18. She said that instead of having outlet points every 50 feet or 100 feet, if you get a large chunk of land for development, you could have an internal access road that goes in all directions, north, south, etc. She said it doesn't have to be a dedicated roadway, just an internal access road that would direct traffic to all of the stores without a lot of congestion. Ms. Ryan said if the parking lots were connected, it would be even better because people could go from store to store. She said that is the type of thing that would be reviewed at the site review plan level.

Mr. Dowling asked Ms. Ryan if they just wait now for her to do an additional editing of the text and do some additional research to present it to Russ. Ms. Ryan said yes. She said she also sent some information to the members on buffering and landscaping. She apologized for it being kind of chopped up, but different codes do it differently; she asked that they review it. She said they will see that Bath's code is restrictive to the extreme, and the Commission may not want to go that far, but she commented that everything they do is nice. Ms. Ryan said she would explain to Mr. Arters what they were looking at.

Chairman Spisak asked if there was any other discussion about this subject; there was none.

Chairman Spisak asked if there was any other old business.

Chairman Spisak said the Mayor sent something out about sidewalks and some other alternate drainage solutions. He said since the Mayor reached out, he thought he should at least respond. Chairman Spisak sent back an e-mail to the Mayor, telling him that they were sensitive to those types of things during a site plan review.

Chairman Spisak asked if there was anything else anyone had; there was nothing more.

IV. NEW BUSINESS;

Chairman Spisak asked if there was any new business; there was none.

PLANNING COMMISSION RESOLUTION

December 14, 2010

PC RESOLUTION NO.: 21-2010

RE: Application R2-2010
Map Amendment
Proposing rezoning for multiple parcels, or portion
of parcels, from various zoning districts to
B-2 Neighborhood Business to allow for the orderly
development of the Cleveland Massillon corridor from
Greenwich Road north to the I-76.US224 Freeway.

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


Recommend tabling until 3/8/2011

Vote on Motion: FOR 4 AGAINST — ABSTAIN —

Therefore PC Resolution No. 21-2010 has been:

APPROVED — DENIED — TABLED —

This resolution shall be sent to:
Administration for — it's action or for X 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

12/14/10

Date

PLANNING COMMISSION RESOLUTION

December 14, 2010

PC RESOLUTION NO.: 20-2010

RE: Text Amendment
Proposing a Text Amendment to
Chapter 1257- Site Plan Review
1257.04- MAJOR SITE PLANS
Amend 1257.04(b)(11)

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

Recommend approval. TABLE TO NEXT MEETING TO RESOLVE
PC RESOLUTION 18-2010


Vote on Motion: FOR 4 AGAINST — ABSTAIN —

Therefore PC Resolution No. 20-2010 has been:

APPROVED — DENIED — TABLED X

This resolution shall be sent to:

Administration for — it's action or for X 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

12/14/10

Date

PLANNING COMMISSION RESOLUTION

December 14, 2010

PC RESOLUTION NO.: 19-2010

RE: Text Amendment
Proposing a Text Amendment to
Chapter 1296-Supplemental Resgulations
Add Section 1296.20 - DUMPSTERS AND OTHER WASTE RECEPTACLES

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

Recommend approval. TABLE TO NEXT MEETING TO RETURN
AMENDMENT TO LAW DEPT IN ORDER TO ADDRESS
SET-BACK REQUIREMENTS AND TO ADDRESS
RECYCLE BINS

Vote on Motion: FOR 4 AGAINST — ABSTAIN —

Therefore PC Resolution No. 19-2010 has been:

APPROVED — DENIED — TABLED X

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

12/14/10
Date