



# Planning Commission Memorandum

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**To:** Karla Richards, Clerk of Council  
**From:** Pat Ryan, Interim Boards & Commissions Secretary *PR*  
**Date:** 3-12-2010  
**Re:** Approved/Signed Planning Commission Minutes:  
Tuesday, February 23, 2010

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Attached you will find a copy of the approved/signed Planning Commission minutes from Tuesday, February 23, 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:** PC File/App. File  
Posting

**City of Norton**  
**PLANNING COMMISSION**  
Tuesday, February 23, 2010

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

**ABSENT:**

**ALSO PRESENT:** Pat Ryan, Zoning Inspector

Chairman Spisak changed the order of the Agenda to hear the Conditional Use Permit Application first.

**II. PUBLIC APPLICATIONS:**

- A) Application CUP1-2010  
Conditional Use Permit  
Spectrasite Communications Inc., Owner  
Regarding property at 3363 Clark Mill Road  
PPN 4608206 within PPN 4605514  
[To co-locate on existing cell tower]**

Chairman Spisak introduced Application CUP1-2010 and asked the applicant to come forward. Mr. Ed Lutz, with American Tower Corporation, of 9156 Cherokee Run, Macedonia, Ohio 44056 came to the podium. Mr. Lutz explained that they are proposing to co-locate Clearwire, a wireless internet company, to the existing cell tower. Mr. Lutz said the co-location would involve installing 3 new antennas and 2 microwave dishes to the tower as well as installing a 3'x6' concrete pad inside the current fenced in area for the new equipment cabinet. Mr. Lutz added lines would be run from the equipment cabinet to the tower. Chairman Spisak asked if the existing tower was fenced and landscaped. Mr. Lutz confirmed the tower was fenced and there was no landscaping. Mr. Dowling noted there was very little in the zoning code in regards to co-locating on an existing tower. Chairman Spisak asked if there were any other comments from the Commission members. There were none. Chairman Spisak called for a motion.

**Mr. Houser made a motion to approve Application CUP1-2010 – Conditional Use Permit for co-location on an existing cell tower at 3363 Clark Mill Road/PPN 4608206 within PPN 4605514.**

**Ms. Jacobs seconded.**

**ROLL CALL: Mr. Dowling-Yes, Ms. Jacobs-Yes, Mr. Houser-Yes, Mr. Spisak-Yes. Motion to approve passed 4-0.**

Chairman Spisak thanked the Applicant.

**B) Application SPR1-2010  
Major Site Plan Review  
Jerry Eppinger, Owner  
Diana Dawson, Agent  
Regarding property at 2970 Barber Road/PPN 4601676  
[To operate an Internet Café Sweepstakes Business]**

Mr. Conklin arrived at this time.

Chairman Spisak introduced Application SPR1-2010 and asked the Applicant to come to the podium. Ms. Diana Dawson, Agent, of 560 E. State St, Barberton, Ohio 44203, came to the podium.

Chairman Spisak asked Ms. Dawson to explain the business. Ms. Dawson stated they will be selling time on the internet and by doing that the customer can enter the online sweepstakes games for free. Ms. Dawson said that if a person wins points on a sweepstakes she would pay them on their points.

Chairman Spisak asked if there would be any changes made to the building. Ms. Dawson said there would be no changes.

Mr. Dowling asked Mr. Eppinger, owner, if he was in a few months ago. Mr. Eppinger explained he was before the Commission with another Application for the same type of business but that the applicant decided not to proceed with his business. Mr. Dowling asked if the previous application was approved and Ms. Ryan confirmed it had been approved.

Chairman Spisak asked if there were any further questions from the Commission. Mr. Conklin asked if Ms. Dawson had other Internet Café businesses. Ms. Dawson stated this is her only one.

Ms. Ryan asked if Ms. Dawson would want a sign. Ms. Dawson stated she would and would like to know what she was allowed. Ms. Ryan asked Ms. Dawson to call the office in the morning and they could go over the allowances. Ms. Ryan asked if she would want a wall sign or freestanding sign. Ms. Dawson stated she was thinking of an unlighted painted sign on the window and a lighted "open" sign.

Ms. Jacobs asked when she was planning to open. Ms. Dawson said hopefully the 1<sup>st</sup> [March].

Chairman Spisak asked if there were any more comments or questions. Being none, Chairman Spisak called for a motion.

**Mr. Dowling made a motion to approve Application SPR1-2010 – Major Site Plan Review for an Internet Café Sweepstakes Business to be located at 2970 Barber Road/PPN 4601676.**

**Mr. Conklin seconded.**

**ROLL CALL: Mr. Dowling-Yes, Mr. Conklin-Yes, Ms. Jacobs-Yes, Mr. Houser-Yes, Mr. Spisak-Yes. Motion to approve passed 5-0.**

Chairman Spisak thanked the Applicant.

**III. NEW BUSINESS:**

Chairman Spisak asked if there was any New Business. Ms. Ryan stated the proposed zoning text may be brought up and would probably start with Non-Conforming Uses.

Mr. Conklin asked if there are any applications coming up. Ms. Ryan stated there will be one in March or April for another Internet Café at the Fireman's Hall. Mr. Dowling questioned what if any, were the advantages to the City to have Internet Cafes other than taxes. Chairman Spisak said they are not like the Skilled Game Amusement Arcades where there are fees on the machines and licenses.

Chairman Spisak mentioned he attended the Council work session and they were discussing providers for new sewer lines. Chairman Spisak said he wondered what type of interaction the Planning Commission should have on the issue. He thought the Commission might be able to contribute something to the discussion at the workshops. Ms. Jacobs stated that when she was on the Norton Health Board they reviewed the Barberton sewer plant and that the facility was built on the premise that it would handle Barberton and Norton. Chairman Spisak added that the question is whether Barberton got their funding under that pretense and why hasn't it been pursued. There was further discussion on this issue.

Chairman Spisak mentioned that the Comprehensive Plan and zoning text may need to be updated when the sewer lines are located. Ms. Ryan was asked to email the dates for Council's workshops to the Commission members.

Chairman Spisak asked if there was any other New Business. There was none.

**IV. OLD BUSINESS:**

Chairman Spisak asked if there was any Old Business. Mr. Conklin asked if there are any plans to bring the gas line on Eastern Road further north. Ms. Ryan said she was not aware of any plans.

In regards to alternative fuel sources, Chairman Spisak mentioned on the show "20/20" there was a segment on a fuel cell that someone has developed for in home use. He stated there are test sites and that Google has put it on their campus 9 months ago and so far it has saved \$100,000 in electricity. Mr. Spisak said they have the unit down to the size of a residential furnace, which holds small fuel cells and the developers feel the cost will be about \$3000 for a home adaptation. Mr. Dowling said in Jackson Township Rolls Royce has a larger, utility type unit.

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

**V. CONSIDERATION OF MINUTES:**

Chairman Spisak asked if there were any corrections or additions to the minutes from February 16, 2010. Hearing none,

**Chairman Spisak made a motion to approve the minutes as written. Mr. Dowling seconded. ROLL CALL: Mr. Dowling-Yes, Mr. Conklin-Yes, Ms. Jacobs-Yes. Mr. Houser-Yes, Mr. Spisak-Yes. Motion to accept the minutes as written passed 5-0.**

**VI. ADJOURNMENT:**

Chairman Spisak announced the next meeting is scheduled for Tuesday, March 9, 2010, at 6:00 p.m. With no further business before the Commission, Chairman adjourned the meeting at 6:41pm.

  
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Planning Commission Chair/Vice-Chair

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

3/9/2010  
Date



**RESOLUTION  
PLANNING COMMISSION  
February 23, 2010**

**PC RESOLUTION NO.:**        2-2010

**RE:**    Application CUP1-2010  
Conditional Use Permit  
Spectrasite Communications Inc., Owner  
3363 Clark Mill Road/PPN 4608206 within PPN 4605514  
[To co-locate on existing cell tower]

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

Move to approve / deny /table PC Application CUP1-2010, for a Conditional Use Permit to co-locate on an existing cell tower located at 3363 Clark Mill Rd. PPN 4608206 within PPN 4605514 with the following condition(s):

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Vote on Motion: FOR 4 AGAINST 0 ABSTAIN \_\_\_\_\_

Therefore PC Resolution No. 2-2010 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

2/23/2010  
Date

**PLANNING COMMISSION  
RESOLUTION**

3-2010

PC RESOLUTION NO.: 3-2010

RE: Application SPR1-2010  
Major Site Plan Review  
Jerry Eppinger, Owner  
Diana Dawson, Agent  
2970 Barber Road/PPN 4601676  
[to operate an internet cafe]

The Planning Commission does hereby make the following recommendation(s) on the above:

None

Vote on Motion: FOR 5 AGAINST 0 ABSTAIN    

Therefore PC Resolution No. 3-2010 is:

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.

[Signature]  
Planning Commission Chair/Vice-Chair

[Signature]  
Planning Commission Vice Chair/Member

2/23/2010  
Date