



# Planning Commission Memorandum

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**To:** Karla Richards, Clerk of Council  
**From:** Pat Ryan, Interim Boards & Commissions Secretary *PR*  
**Date:** 5-12-2010  
**Re:** Approved/Signed Planning Commission Minutes:  
Tuesday, April 13, 2010

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Attached you will find a copy of the approved/signed Planning Commission minutes from Tuesday, April 13, 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, April 13, 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, John Conklin, Janet Jacobs, Ralph Dowling, Todd Houser

**ABSENT:**

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

**II. PUBLIC APPLICATIONS:**

- A.) Application SPR 2- 2010  
Major Site Plan Review  
5240 Wooster Road/PPN 4607532  
Norton Fireman's Association, Owner  
Lynnae Copen and Robert Copen, Agents  
[To allow an Internet Café at this location]**

Chairman Spisak introduced SPR2-2010 and asked the Applicant to come forward and present their application. Mr. Robert Copen, agent for the applicant, of 2578 Sue Lane in Norton, Ohio came to the podium. Mr. Copen stated they were going to use the building for what it was originally built for, they will have machines and Internet. Mr. Copen stated that is exactly what it was originally built for except it was used by the Fireman's Association which the Attorney General said was illegal because it would be a for profit business under a not for profit. They closed down and now his daughter-in-law wants to reopen it for the same use.

Chairman Spisak asked if the bathrooms were ADA compliant. Mr. Copen replied they were and explained this was going to be located in the small area that was added approximately 6 years ago. Mr. Copen also said the parking lot was re-done to meet the requirements at the same time.

Mr. Dowling asked Mr. Copen if his daughter-in-law, Lynnae Copen, was going to run this for profit and the Fireman's Association would collect money from the lease. Mr. Copen stated that was correct. Mr. Dowling asked if Lynnae Copen ran the previous system as part of the Fireman's Association. Mr. Copen stated she managed (unintelligible) at one time. Mr. Dowling asked if it was going to look the same as far as being the same concept with machines and such. Mr. Copen replied, that was correct.

Chairman Spisak asked if they would be serving refreshments of any kind. Mr. Copen stated they would have chips, pop and water and things like that but how extensive that would get would depend on the customer base and if they made enough money to extend this. Mr.

Copen said they would not be preparing anything there at all, any food would be ordered in and given away.

Mr. Dowling asked Ms. Ryan what the zoning was at this location. Ms. Ryan said it was I-1, Light Industrial. Ms. Ryan said there was interest awhile back to operate a skilled-based arcade business there but they were not allowed in an I-1 zone.

Mr. Dowling asked what the difference was now. Ms. Ryan said this is an Internet Café and the City does not have specific regulations pertaining to these businesses.

Chairman Spisak asked if they would want a sign. Mr. Copen replied they would be using the existing sign-no additional signage would be required.

Ms. Jacobs asked Mr. Copen what the hours for the business would be. Chairman Spisak the application stated they would be Monday through Saturday 10am to midnight and Sunday noon to 10pm. Mr. Copen said the reason Ms. Copen made the hours to midnight was that there would be Bingo there 2 night a week and that means there could be customers after Bingo is over but he doubted it would be open every night until midnight.

Chairman Spisak asked if there were any other questions. Being none, the Chairman asked for a motion.

Mr. Dowling made a motion to approve Application SPR2-2010 for 5340 Wooster Road/PPN 4607532 for an Internet Café business. Mr. Houser seconded the motion. ROLL CALL: Mr. Dowling-Yes, Mr. Conklin-Abstain, Ms. Jacobs-Yes, Mr. Houser-Yes, Mr. Spisak-Yes. Motion to approve passed 4-0-1.

**B.) Application SPR 3- 2010  
Major Site Plan Review  
4466 Cleveland Massillon Road/PPN 4604688  
Paul R. Price, Owner  
Sonny and Theresa Kerley, Agents  
[To allow a resale shop at this location]**

Chairman Spisak announced the Application and asked the Applicant to come forward and explain their business and site plan.

Mr. Sonny Kerley explained they wanted to open a resale shop. They would buy and sell new and used items including appliances, furniture, pictures, movies, etc. Mr. Kerley stated they donate to churches when they have people who are in need. Their hours would be Monday through Saturday 10am to 6pm. Mr. Kerley said they will have things lined up, priced and have a counter for checkout.

Ms. Jacobs asked if they would be taking donations. Mr. Kerley stated they would as well as donate to churches. Mr. Kerley said they keep things up for sale approximately 3 months then put on different stickers, place in boxes and call the churches and they come pick it up for their rummage sales.

Chairman Spisak asked if they have operated something like this before. Mr. Kerley responded that they have a store in Parma, which they gave to their oldest son to run.

Mr. Dowling asked if this is similar to an Abby Ann's store. Ms. Kerley said it was similar and explained they sell the strangest things and the newest things. Mr. Kerley said it as like an indoor garage sale year round, there is always something different. People bring things in to sell. They also will pick up and deliver.

Mr. Houser asked if they would also do consignment items. Mr. Kerley said they do some, although they try not to. Mr. Kerley said it was just himself, his wife and children that will be running the business.

Mr. Dowling asked what zoning district this was located in. Ms. Ryan stated it was in the B-1 District.

Chairman Spisak noted the site layout was not quite to scale and there are now 4 parking spaces in the front and they are showing 5 spaces. Chairman Spisak stated his concern is how close these are to Cleveland Massillon Road. Mr. Kerley stated there is no parking in the back but that these spaces have always been in the front and he agreed it is difficult pulling in and out on the road. Mr. Kerley said he thought about putting the spaces in diagonally. Chairman Spisak mentioned at Twigs restaurant people back out into the street and so it is a safety concern. Chairman Spisak asked Mr. Kerley to look at the situation from a safety point of view. Mr. Kerley stated he moved the spaces up toward the building so there is about 6' – 8' behind the vehicles.

Chairman Spisak asked the Kerleys if they were aware of the plans to widen Cleveland Massillon Road. Mr. Kerley stated he was not. Chairman Spisak noted they may lose some of the area along the street. Chairman Spisak informed the Kerleys that there is a meeting at the Norton Community Center on April 21 between 5:00 and 7:00pm to allow the public to view the options for the Cleveland Massillon Road corridor improvements. Mr. Kerley asked if he should be looking to move the parking to the side or rear. Chairman Spisak said he did not know where the impact would be but he was sure there would be some.

Chairman Spisak asked if there would be public restrooms. Mr. Kerley stated they would not be public.

Ms. Ryan stated they would need to get a Knox Box for the building and handed the application to Mr. Kerley. Ms. Ryan stated they should contact the Norton Fire Department if they have any questions. Ms. Ryan also told the applicant they would need to contact the Building Superintendent for an occupancy permit and the fire department for a review of emergency lights, apparatus, etc.

Mr. Kerley stated he was putting a sign on the building and a freestanding sign out front, similar to Dayton's. There was discussion on the setback required for a freestanding sign. Chairman Spisak cautioned Mr. Kerley that the Dayton Nursery sign may have gone in prior to current zoning regulations so he should not use that as a guide.

Mr. Dowling asked if they were going to have anything to do with the house next door. Mr. Kerley said he was just renting the building for now but he would be cutting the grass.

Ms. Ryan asked if they were planning any outside storage. Mr. Kerley said, no. Mr. Kerley said he would put up an 8' wall in the back to use as a pickup and delivery area.

Chairman Spisak asked if there were any more questions. Being none he asked for a motion.

**Mr. Dowling made a motion to approve Application SPR3-2010 for a resale store located at 4466 Cleveland Massillon Road/PPN 4604688. Mr. Conklin seconded the motion. ROLL CALL: Mr. Houser-Yes, Ms. Jacobs-Yes, Mr. Conklin-Yes, Mr. Dowling-Yes, Mr. Spisak-Yes. Motion to approve passed 5-0.**

The applicant thanked the Commission.

### **III. OLD BUSINESS:**

Chairman Spisak stated Internet Café Sweepstake Businesses proposed regulations were on the Agenda for discussion. Ms. Ryan reported on a meeting she attended at the City of Barberton as they discussed possible regulations. Ms. Ryan said Barberton was looking to modify the City of Akron regulations to fit their needs. Ms. Ryan said she provided the Akron code to the Commission. Ms. Ryan mentioned that Summit County was looking into regulations for the townships since Coventry and especially Springfield have been getting numerous Internet Cafes.

Mr. Dowling asked if the Commission has been given the City of Tallmadge regulations. Ms. Ryan stated she did not get their code. Mr. Dowling was wondering if there was any consistency between Akron and Tallmadge codes. Ms. Ryan said Tallmadge does put them into their adult business district since the businesses typically do not allow anyone under the age of 18. Ms. Ryan noted that Barberton does have one establishment that has a few computers that are not for gaming and allow all ages to enter. Mr. Dowling stated that currently Norton has no restrictions but could put an age requirements.

Mr. Dowling asked if Norton were to pass regulations for these businesses would it be for any new uses only and not apply to any existing businesses. Ms. Ryan said if the regulations are under the general ordinances it could be retroactive.

Chairman Spisak mentioned in the Akron regulations they do not limit the distance to a church, which Norton put in their skilled-based amusement arcade regulations.

Chairman Spisak said it appears Akron has fees similar to Norton's skilled-based arcades.

Chairman Spisak mentioned the riparian area at the new fire station. Chairman Spisak mentioned he met with Rick Ryland, City Administrator, and they had a good discussion. Chairman Spisak said he saw some of the aerial photos and the area in question was already growing nicely.

Mr. Conklin noted that the damage was already done. Chairman Spisak said they talked about this and agreed to work this out so this type of situation doesn't happen again. Several Commission members agreed this may have, in part, been a responsibility of the architect.

There was discussion on what had occurred, associated costs, approvals and reports that are needed.

Chairman Spisak mentioned he discussed with Mr. Ryland possible educational programs that could be implemented using this area and the fire station conference room.

Mr. Houser asked Ms. Ryan if there was any movement on getting a checklist for applicants regarding riparian and wetland issues. Ms. Ryan said she was not aware of anything. Ms. Ryan said she does look at the riparian and wetland layer on the County GIS when discussing

properties or development with an applicant or interested party. Mr. Dowling thought there was a checklist started by the previous Planning Director but did not know if it was ever finished.

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

**IV. NEW BUSINESS:**

Chairman Spisak mentioned the Wolf Creek Players are presenting Incantation: The Frog Prince Fairytale on April 17 and 18 at 2pm at the Community Center.

Mr. Conklin mentioned the upcoming public meeting for the Cleveland Massillon Road widening on April 21, 2010 from 5-7pm at the Community Center.

Chairman Spisak mentioned the Council work session on Saturday, April 24 from 8am to 1pm and said he planned to attend.

Mr. Conklin stated the Norton Clean Up Day is Saturday, April 17.

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

**V. MINUTES:**

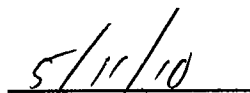
Chairman Spisak asked if there were any corrections to the minutes from March 23, 2010. Being none, Chairman Spisak made a motion to approve the minutes from March 23, 2010 as written. Ms. Jacobs seconded. ROLL CALL: Mr. Conklin-Yes, Ms. Jacobs-Yes, Mr. Houser-Abstain, Mr. Dowling-Abstain, Mr. Spisak-Yes. Motion to approve passed 3-0-2.

**VI. ADJOURNMENT:**

Ms. Ryan mentioned they Commission had nothing on their agenda for April 27, Mr. Arters will be unable to attend and Ms. Ryan will be out of town. Chairman Spisak said the next meeting will be May 11, 2010.

With no further business before the Commission, Chairman adjourned the meeting at 6:47pm.

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

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Interim Secretary

**PLANNING COMMISSION  
AUDIENCE ATTENDANCE RECORD**

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The following individuals were present and wished to speak at the Meeting of the Planning Commission held on **Tuesday, April 13, 2010**

**PLEASE PRINT:**

<u>NAME:</u>	<u>STREET ADDRESS (NO P.O. BOX):</u>	<u>CITY &amp; ZIP CODE:</u>
Theresa & Sammy K	4466 Cleve MASS RD	Norton, Oh 44203
ROBERT COPEN	2578 SUE LN	COPLEY OH 44321 (Norton)

Signed: Pat Ryan  
Stenographer



# Planning Commission Memorandum

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**To:** Karla Richards, Clerk of Council  
Council

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

**Date:** 4-14-2010

**Re:** PC Resolution No. 6-2010

Application SPR 2- 2010  
Major Site Plan Review  
5240 Wooster Road/PPN 4607532  
Norton Fireman's Association, Owner  
Lynnae Copen, Agent  
[To allow an Internet Café at this location]

Attached you will find a copy of PC Resolution No. 6-2010 approving the Resolution of Support.

The original resolution 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  
Planning Commission  
Board of Zoning & Building Appeals  
Municipal Engineer  
Supt. of Building & Zoning

**cc:** PC Minutes  
File

# PLANNING COMMISSION RESOLUTION

April 13, 2010

PC RESOLUTION NO.: 6-2010

RE: Application SPR 2-2010  
Major Site Plan Review  
5240 Wooster Road/PPN 4607532  
Norton Fireman's Association, Owner  
[To allow an Internet Café at this location]

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

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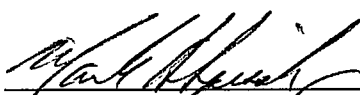
Vote on Motion: FOR 4 AGAINST 0 ABSTAIN 10

Therefore PC Resolution No. 6-2010 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

4/13/10  
Date



# Planning Commission Memorandum

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**To:** Karla Richards, Clerk of Council  
Council

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

**Date:** 4-14-2010

**Re:** PC Resolution No. 7-2010

Application SPR 3- 2010  
Major Site Plan Review  
Paul R. Price, Owner, Owner  
Theresa Kerley, Agent  
Regarding property at 4466 Cleveland Massillon Road/PPN 4604688  
[To allow a resale shop at this location]

Attached you will find a copy of PC Resolution No. 7-2010 approving the Resolution of Support.

The original resolution 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  
Planning Commission  
Board of Zoning & Building Appeals  
Municipal Engineer  
Supt. of Building & Zoning

**cc:** PC Minutes  
File

# PLANNING COMMISSION RESOLUTION

April 13, 2010

PC RESOLUTION NO.: 7-2009

RE: Application SPR 3-2010  
Major Site Plan Review  
4466 Cleveland Massillon Road/PPN 4604688  
Paul R. Price, Owner, Owner  
[To allow a resale shop at this location]

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

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Vote on Motion: FOR 5 AGAINST 0 ABSTAIN 0

Therefore PC Resolution No. 7-2010 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

4/13/10  
\_\_\_\_\_  
Date