



Planning Commission Memorandum

To: Karla Richards, Clerk of Council
From: Rebecca Lukats, Interim Boards & Commissions Secretary *RLS*
Date: 09-29-2011
Re: Approved/Signed Planning Commission Minutes:
Tuesday, April 26, 2011

Attached you will find a copy of the approved signed Planning Commission minutes from Tuesday, April 26, 2011.

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
Supt. of Building & Zoning

cc: App. File/Posting

City of Norton
PLANNING COMMISSION
Tuesday, April 26, 2011

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, Janet Jacobs and Richard Easterling

ABSENT:

ALSO PRESENT: Russ Arters

II. PUBLIC APPLICATIONS:

- 1) **Application R2-2010 Rezoning is a continuation proposed rezoning for multiple properties from various zoning districts. The B2 Neighborhood Business allowing for orderly development of the Cleveland-Massillon Road corridor on Greenwich Road north of the I-76 / 224 freeway tabled from 12/14/10.**

Chairman Spisak stated the tabled Application R2-2010 Rezoning is a continuation proposed rezoning for multiple properties from various zoning districts. The B2 Neighborhood Business allowing for orderly development of the Cleveland-Massillon Road corridor on Greenwich Road north of the I-76 / 224 freeway tabled from 12/14/10. We are going to be meeting with the law director about some of this Thursday, going over the whole corridor with him and Steve Funk to discuss the various options and look at what was proposed before and what they think, what Mr. Funk thinks. Chairman Spisak stated that Mr. Funk was handling this for Roetzel & Andress and suggested it be tabled for June 14.

Chairman Spisak moved to table Application R2-2010 until the June 14, 2011, meeting. He asked for any discussion; there was none. Mr. Easterling seconded the motion.

ROLL CALL:

Mark Spisak – Yes

Ralph Dowling – Yes

Richard Easterling – Yes

Janet Jacobs – Yes

John Conklin – Yes

Motion to table the application until June 14, 2011, by Resolution 11-2011, carried 5 – 0.

- 2) Application SPR3 2011. Major site plan review. TDLMB Properties, LLC, Owner, c/o Tim Brenner, Paul Rich, Inc., Dan Wright, Agent regarding property known as 4050 Cleveland-Massillon Road, Parcel No. 4600506, proposing construction of a 1,652 square foot building and parking facility for carry out delivery Pizza Hut restaurant on .94 acres.

Chairman Spisak announced the second application and asked the applicant to step forward and present his information.

Agent Dan Wright, representing Paul Rich, the owner and operator of 81 Pizza Huts in Northeast Ohio approached the podium. We own and run the current Pizza Hut here in Norton. We have a lease that runs out in two years. The owner of the shopping center is Albrecht, Inc. They also own the Acme and if they want to build on, the only way they may build on is going our way. So, they don't want to give us any more renewal options. So, that's why we're buying this property.

Chairman Spisak asked if they were taking five parcels and consolidating them into two. He asked if on one parcel would be the Pizza Hut building and the other parcel would be retained by Mr. Brenner. Mr. Wright answered yes, and all the legal work has been done for that already. He said they haven't filed that yet, but it's all ready to go.

Mr. Ralph Dowling stated that they were kind of talking about this before we started this. He stated it was kind of a reverse split. He said they weren't doing lot splitting, but there were doing lot combining and then re-splitting it.

Mr. Russ Arters, Superintendent of Building and Zoning, said that it was a B2 zone. Mr. Dowling said he was just looking at the descriptions of what is authorized in that zone. He wanted to make sure we didn't have someone getting caught with not meeting the authorized description. He said if you look at B1, it talks about restaurants, cafes and catering shops, but B2 doesn't say that. He said this is committed as B1 together with B2. Mr. Arters said you can put it in B1 so it can go everywhere – to B2, B3. Mr. Arters said it is step ladder zoning with B, you can't go down but you can go up.

Discussion of drawings as far as sidewalk placement and all the rest of that. Is that configured with the widening of Cleveland-Massillon Road? Going to need that map. One reason for the meeting is to talk about widening of the road. One of the requirements and what they're wanting is an additional 10 feet of right-of-way from the existing right-of-way. Needs taken into account. Talked about green space. Additional 10 feet, 50 feet total off the roadway. Everything will have to be adjusted according to widening. Discussion of lanes, widening of lanes of road, etc. took place.

My name is Brent Artman, I'm a civil engineer and I represent Hallrich Company. At what point do you think you're going to decide on which widening frame you're going to go with? Probably pretty soon. Majority of this discussion associated with the access of these plans.

Mr. Arters stated there's 2 lanes over there and the right-of-way. That's pretty well set. The only decision that I know that they haven't come down on is the east side of the road, whether or not it's going to be 2 lanes or 1 lane. It will affect that side right-of-way more so than the left side, but either option takes a 10 feet.

Mr. Arters said either option is going to be an additional 10 foot from the existing right-of-way right now. As long as we have our access points off the side and we have 200 feet between the access points. He said this was a basic request. One of the concerns of everybody is the entrances and exits of everything on that side of the road and how it affects the opposite side and this side.

Mr. Arters said Mr. Dave White is our engineer but is only part time. He is here only in the mornings 4 days out of the week. Last week he wasn't here a couple of days. We are looking at Dave's comments for the first time, too. It's a good discussion to know where everybody is and the options of the entrances is the biggest issue.

Mr. Artmen mentioned his discussion with the City Engineer. He said he was talking about having 200 feet between them, but the parcels are not that wide. So, I don't know how you get over that one. I don't know if that's a code requirement, but that's something that would be nice to do. I actually looked at it tonight and I'm not sure if we can get a light up. He said the engineer was more into the safety aspects of the roads and so forth.

Mr. Arters suggested coming in to set up a meeting for time to sit down and go over everything – is doable but has to be in the morning.

Mr. Artman stated he thinks the appropriate thing would be is to talk with the engineer and go onto that site plan. At that point, I'd like to have a discussion with David via telephone at that point just to go over some points just to make sure that we're in line. At that point, we can meet and go over it. Not waste time.

Mr. Arters stated that's one of the things that I was wondering is you have grass designated between Pizza Hut and the Brenner property, and I didn't know if that was actually true. I don't know what you're going to do with the other building. But, having grass in there probably doesn't allow you any access to the back side of the building. It's only about 20 feet wide, so there's probably some limitation there as far as emergency access anyway. So, until we figure out the big site plan, it's probably difficult to answer some of the questions he raised in here. Need to meet with Dave.

Mr. Arters said ideally the City would like to see access out to Pleasant Street at the back of the lot. And that property with Mr. Brenner and Norton Pub and the neighbor. Ideally that would relieve a lot of pressure off of Cleveland-Massillon to have an exit only or something off of somewhere in the back of the property off of Pleasant Street to get down to the intersection. Because eventually when it's widened and done, I think the City's goal is eventually to put a light at Pleasant Street, down the road. Then we discussed it with Mr. Brenner, but to be able to gain access out to Pleasant Street from the back of the lot, it would be up to Mr. Brenner and the owners of the property on Pleasant. We briefly talked about that. He said it is not required, but in his personal opinion, it would be the best option.

Discussion of Mr. Brenner's property.

Mr. Arters stated that it's the City's point of view to have 1 main access into this property with maybe 3 or 4 wide lane to be able to go to the side. It would cut across and would need to work with the Pub to keep the entrance for him. He said Pizza Hut's entrance and the Pub's is so close, it's possible they could work together and have just one through entrance in the front for everybody involved. Just to cut down. Mr. Armen said that was one of the reasons why they looked at the exits and the entrances on Cleveland-Massillon. It's not a guarantee. If we could do that, I think it would benefit everybody, but then again, you have to get everyone to agree.

Chairman Spisak said that was just a suggestion and it doesn't have to happen immediately. He said if we could take your entrances on your property and condense it to one, that would benefit greatly, because of the 3 entrances out onto Cleveland-Massillon. Chairman Spisak said that was what the Commission was concentrating on to possibly, down the road, work together with the whole corner. He said it was basically for a safety issue because on that heavy traffic road, we get people within a couple hundred feet turning left and right. It is going to be a problem going across the 3 lanes of traffic there, or the three aisles of pavement.

Discussion had of Pizza Hut being strictly a drive-thru with 15 or 16 parking spaces for employees and for a pick-up area for customers.

Mr. Dowling suggested tabling this application to May 24.

Mr. Easterling asked when they would build. Mr. Armen said that currently Pizza Hut's lease is up in 2 years, but would like to build in 1 year. Albrecht is their landlord and they think they will probably let them out of the lease. Mr. Armen emphasized he doesn't want to lose this new location.

Discussion had about the waterline. Mr. Arters said the engineer mentioned that the waterline cannot be tapped into. He said there may be a water line right up the street that Barberton isn't aware of it.

Chairman Spisak asked if there was any more discussion? Hearing none, **Chairman Spisak moved to table the application by PC Resolution 12- 2011 until the May 24 meeting. Mr. John Conklin seconded the motion.**

ROLL CALL:

Mark Spisak – Yes.

John Conklin – Yes

Mark Dowling – Yes

Richard Easterling – Yes

Janet Jacobs – Yes

Motion to table this application to May 24, 2011 carried 5 – 0.

Chairman Spisak thanked the Applicant.

III. OLD BUSINESS:

- 1) General Discussion of continuation of the setbacks and for the districts and the requirements for districts regarding landscaping and repair of B1, B2 and B3.**

Mr. Arters stated that we've got to repair everything that we talked about. We finally have a meeting set up to do it. Actually, the end result was that, in talking with Mr. Gibson, if the owner of the property wanted to rezone that, then he can submit his application.

Mr. Arters said the Circle K is B3. There's B2, there's B1. CVS is B2. That block is B2. Sweet Henry's is B2 or B1, but then on the other side of Sweet Henry's is residential, and it's residential down in the straight which would be looked at, I would say. The professional building is B3. The restaurant, that stuff right there is B3.

Discuss meeting to be held Thursday - issues that might be raised, widening, etc. and discuss a little of the timetable for the construction, etc.

Mr. Easterling says he has an appt with superintendent re: football field problem. What going to be suggested is that they move the new stadium up where the track and soccer field is now and make it

a soccer, football track stadium there and run it north and south. The schools haven't made a decision yet.

There's structural issues that will need to be taken a look at. They tested the steel, there's nothing wrong with it. But, old wood. It's all an issue of money.

Discussion regarding what Tim Brenner wants. Saw plans. Would eventually like to exit from the back of his building.

Can save time if meet first before doing drawings.

Discussion of property that got donated to the City. Property that cuts all the way from Barber to Clarkmill. Starts at the Wolf Creek by the storage buildings and goes about 10 foot there then it goes back behind the storage buildings back to the north a little bit then out to Clarkmill across from the Judge's; there is 24 or 27 acres there. There are 4 parcels. It's all wetland. Pipes broken. Drainage ditch that was cut through there a long time ago that nobody knows about. Basically we paid them to basically reimburse their taxes for the last half of the year and that was it.

Potentially can take some of the storm water runoff. Some of the discussion is to find that drainage ditch and reopen it to drain some of the excess off the highway up there at the branch and behind Nelson Pump. Dig out wetlands to make a reservoir overflow.

How far along is the C&D at Eslich's? Slowing creeping. We got the plans. **THIS IS ALL OFF THE RECORD.** Actually we worked with Eslich's engineers out of Dayton and we got their plans for soil borrow and what their proposal is on the site over there. I'm surprised that they haven't gotten farther than they have in the last year and a half. Their whole attention was on the other side of the creek and that's talking about the reservoir. The design was to build a reservoir soil borrow for capping. That 10 acres over there is ideal for capping. The whole point was to dig out 8 acres for the dirt, store it over at Eslich's and work the ditch or whatever it is right there and work it into there for a slow down detention wetlands area for that purpose. But, they aren't as far along as what they thought they were.

Something that was in the Post as well, was that the Nash Heights project was going to be handled and the one would bring it down to Greenwich. Pump station probably across from Brookside Golf Course. Paper said they were going to run a trunk line on the backside of Lake Dorothy. That's where the pump station has to go is at down at the bottom, across from the golf course, that church, we were talking about another property next to it. And, one of the lines was going to go around Lake Dorothy. South side of the lake. Loop around down to Barber. Long term plan.

New discussion – side walks in vicinity of schools by a grant that comes out for getting kids to walk to school. That was something that we talked about when we were doing the water line that option. Half-million dollars a year for 20 years.

Topic - Did Summit County inspect all the septics in the City? Think so. Thought they had gotten around to everyone, but not sure. Maybe concentrating on people who are on trunk line.

IV. NEW BUSINESS:

New discussion: plans for the widening of Cleveland-Massillon. Widening of 2 lanes to start at Pleasant Street.

Options came directly from Dave White and Rick and said those are the two options.

On agenda is a stop light and 2 lanes. Talking about the traffic coming out at Pleasant. Trying to accommodate rush hour. GPD did the traffic study. Discussion of school bus trying to cross 3 lanes. Middle School is problematic now. Probably have to put someone out there. Those are some of the things to be addressed with Law Director and Steve Funk regarding rezoning of Cleveland-Massillon Road and issues on it.

Mr. Arters stated that he hopes to start the discussion with the Pub owner. I mean, that was the whole point of me saying that. I can't remember his name. He owns all of the lot and the other gentleman on the right owns the house on Pleasant that is right next to the Pub. And, he did all the drainage in the back to his property to make it flow like it does now so it doesn't back up and flood his house. He came in there a couple years ago and just re-worked that whole back area, the drainage issues and everything off of Pleasant. That helped alleviate some of the flooding in his basement of his house that's right next door. He might be willing to sell that property.

We were also commenting, if memory serves me right, a long time ago the school system tried to cut a drive over to Pleasant and it was just, it was not well-received at all.

There's an empty lot that's just sitting there, further down.

How about a driveway diagonally and put a parking lot over at Pleasant between the house and the pub. Not sure of owner.

Ideally when I said to eliminate the pub driveway, I meant it. To access it onto this entrance, to make it go through.

If you had a bigger plan on development, you could probably do that very easily. That's why I was a little confused by what Brenner is going to do with the other building because where they're at now, it's useless for him.

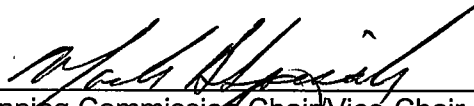
I had a meeting with Tim in here and there were a couple of issues with Pizza Hut. What they need and what he proposed. By the time he left, we kind of had him convinced of one main entrance, and so forth. Whether or not he decided to do that or not, and I brought up the Pleasant Street access and the pub. I did mention to everybody around that they would do that. Maybe another 70 or 80 feet, you'd have that access. The pub entrance is right there on Cleveland-Massillon. Even if you put the entrance onto Pleasant instead of there would be beneficial for everybody.

If you put it at the other end of the property on Pleasant, it would help. Right now, you probably have 20 feet between Pleasant and his entrance. People need to think ahead about what they want.

V. MINUTES: None to consider.

IV. ADJOURNMENT:

Chairman Spisak adjourned until May 10, 2011.



Planning Commission Chair/Vice-Chair



Planning Commission Vice-Chair/Member


9/27/11
Date

**PLANNING COMMISSION
AUDIENCE ATTENDANCE RECORD**

The following individuals were present and wished to speak at the Meeting of the Planning Commission held on **Tuesday, April 26, 2011**

PLEASE PRINT:

<u>NAME:</u>	<u>STREET ADDRESS (NO P.O. BOX):</u>	<u>CITY & ZIP CODE:</u>
Dan Wright	3747 Fishcreek Rd.	Stow, OH 44224
DON MAY	3154-58 PLEASANT DR	NORTON, OH 44216
BRENT ARTMAN	1226 MARGAD ST NW	HARTVILLE, OH 44632

Signed: 
Stenographer Interru.

PLANNING COMMISSION RESOLUTION

April 26, 2011

PC RESOLUTION NO.: 11 - 2011

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 6/14/11

Vote on Motion: FOR 5 AGAINST 0 ABSTAIN 0

Therefore PC Resolution No. 11 -2011 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

4/26/11

Date

PLANNING COMMISSION RESOLUTION

April 26, 2011

PC RESOLUTION NO.: 12 - 2011

RE: Application SPR3-2011
Major Site Plan Review
TDLMB Properties LLC, Owner, c/o Tim Brenner,
Hallrich, Inc/Dan Wright, Agent
Regarding property known as:
4050 Cleveland Massillon Rd /PPN 4600506
[Proposing construction of a 1,652 sq. ft
building and parking facility for
carryout/delivery Pizza Hut
Restaurant on .94 acres]

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

TABLED UNTIL 5/24/11

Vote on Motion: FOR 5 AGAINST 0 ABSTAIN —

Therefore PC Resolution No. 12 - 2011 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

4/26/11

Date