



Planning Commission Memorandum

To: Karla Richards, Clerk of Council
From: Rebecca Lukats, Interim Boards & Commissions Secretary *RSL*
Date: 10-26-2011
Re: Approved/Signed Planning Commission Minutes:
Tuesday, June 14, 2011

Attached you will find a copy of the approved signed Planning Commission minutes from Tuesday, June 14, 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, June 14, 2011

The Planning Commission of the City of Norton, Ohio, convened for a public meeting in Council Chambers at the Safety Administration Building. Due to the excused absence of Chairman Spisak, Vice-Chairman Ralph Dowling called the meeting to order at 6:00 p.m. as Acting Chairman.

I. ATTENDANCE:

PRESENT: Ralph Dowling, Janet Jacobs, John Conklin, and Richard Easterling

ABSENT: Mark Spisak (excused)

ALSO PRESENT: Russ Arters, Supt. of Bldg. & Zoning

II. PUBLIC APPLICATIONS:

- A. Application R2-2010- Rezoning (Continuation from 4/26/11)**
Proposing rezoning for multiple properties
From various Zoning Districts to B-2 – Neighborhood Business
[Allowing for orderly development of the
Cleveland-Massillon Road corridor from Greenwich Rd.
North to the I-76/US224 Freeway]
(Tabled from 4/26/10)

Chairman Dowling announced the first application as a continued discussion, ongoing for about a year, regarding the rezoning of multiple properties along Cleveland Massillon Road, between Greenwich Road and I 76/US 224. Chairman Dowling stated that the City was considering hiring the firm of D B Hart to help in that process.

Mr. Russ Arters, Superintendent of Building and Zoning, agreed that the City was going to hire D B Hart to help them. He said if they wanted to table the application by postponing it until an October or a November meeting that would be all right. Mr. Arters also said there is a way to withdraw the motion completely, according to Karla Richards,

Clerk of Council, but he did not bring that information to the meeting. He suggested that they wait until Chairman Spisak returns to do that; Chairman Dowling agreed.

Mr. John Conklin asked why they would want to withdraw the motion. Mr. Arter's response was that it would pull it completely off the table, and that way they would not have to keep tabling it and tabling it. Mr. Arters said it could be brought back later as a separate item. Mr. Conklin asked if D B Hart was going to make a presentation for the Commission. Mr. Arters said the last he heard the plan was that D B Hart would schedule individual interviews with everyone on the Boards and Commissions to get their input.

Mr. Easterling asked a general question: If Residential is changed to a B-2 or whatever, does that become a non-conforming use; Mr. Arters said yes. Mr. Easterling asked if the non-conforming use would then burn down, would they be able to rebuild. Mr. Arters said yes, in the City they can rebuild within six months, but not take two years to do it. More discussion was had about non-conforming lots and what one is or is not allowed to do.

Chairman Dowling asked for a motion. Mr. John Conklin moved to table application R2-2010 by PC Resolution 15-2011 until October 12, 2011. Ms. Janet Jacobs seconded the motion. ROLL CALL: Mr. Conklin-Yes; Ms. Jacobs-Yes; Mr. Easterling –Yes; Chairman Dowling - Yes. The motion carried 4 – 0.

**B. 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 1,652 sq. ft. building
and parking facility for carryout/delivery Pizza
Hut Restaurant on .94 acres]
(Tabled from 5/24/11)**

Chairman Dowling announced the next application, and asked the applicants to come forward and discuss their plans.

Dan Wright, Agent said he and Brent Artman would be discussing the application jointly. Mr. Wright said the owner was not here this evening, but he has agreed to and signed off on the overall sight plan. When Mr. Wright spoke to the owner, he asked if he needed to appear and Mr. Wright said no. The owner relayed that if they needed him, call him and he would appear, but Mr. Wright said it would be better to write a letter that he would hand deliver to Mr. Russ Arters, Superintendent of Building and Zoning the next morning.

He addressed the Commission by saying they were both there to answer any questions they had. Mr. Wright said Mr. Artman is the one that made the modifications suggested

by the City Engineer Dave White. Mr. Artman has since reviewed the modifications with Mr. White, who has accepted the major changes in general with some minor changes yet to resolve. (See Memo attachment from Dave White to Planning Commission dated 4/25/11)

Mr. Artman was given the floor, and stated that basically the changes made from the last meeting to this meeting, was that they have taken the Pizza Hut Restaurant and rotated it 90 degrees so they have a common access drive between both pieces of property. He put together a conceptual plan that showed how Mr. Tim Brenner's property would work out. He is working with the City Engineer, Mr. Brenner and the Hallrich Company jointly for them to come to an agreement as to what would be acceptable. He put the conceptual plan together to put the accesses for both pieces of property together and to line them up with the access across the street. He provided the curb island in the center to preserve the existing hydrant and telephone pole located there. Most of the other items are minor that he has taken care of with Mr. White, as his letter handed out this evening indicated. Mr. Artman said now only a couple detailed construction-type modifications exist. He had a heavier cross section for the open cut going across the street, and Mr. White suggested something different since the reconstruction for the road will be done soon. Mr. White said it has been problematic for anyone crossing the road. Mr. Artman said this is the only remedy that has yet to be done for those plans.

Mr. Artman said they reduced the impervious area on the property by more than 50 percent. The property in total is less than one acre, so they do not have to go through Summit Soil and Water Conservation, or get a SWPP permit, or go through water quality or storm water requirements.

Chairman Dowling asked about the access for truck delivery. He asked if they would just have small trucks, nothing big that would have to be maneuvered around on site. Mr. Artman said they have one semi that shows up twice a week, but said they have far more latitude than some of their older stores.

Chairman Dowling discussed the lighting. He said it looked like the lighting was pointed towards the building and not glaring towards oncoming street traffic; he foresees no problems. Mr. Artman said if you look at the plan, there is no light pollution going off the lot.

Chairman Dowling asked if there were any questions from the Commission.

Mr. Arters talked about the sidewalk requirements. He said that due to the future widening of Cleveland-Massillon Road, it would be something that would have to be discussed and addressed down the road. Mr. Arters said there was no reason to put in a sidewalk that would be torn out during the widening process; all agreed. Mr. Artman asked if the sidewalk would be part of the roadway construction. Mr. Arters said he was unsure at this time, but he wanted them aware of this and said they will just have to work together. There was discussion about the right-of-way, and that the existing sidewalk will be torn out during construction on the lot.

Mr. Conklin asked if there would be an extra exit and entrance on Pleasant; Mr. Arters said no, because they don't own the property. He said that was just a suggestion to the

owner of the Pub and Mr. Brenner to eventually try to access onto Pleasant from the site; all would have to agree. Chairman Dowling said they actually reduced their footprint on the lot, so they would not be aligned with any property behind them.

Chairman Dowling asked Mr. Arters if the City was all right with it, and Mr. Arters said yes, he and Mr. White were ok with it. Chairman Dowling said he did not see any other issues, and said he thought they addressed everything very well, and thanked them.

Chairman Dowling asked if there was anyone present who wanted to speak for or against the application: no one spoke.

Chairman Dowling asked for a second time if there was anyone present who wanted to speak for or against the application; no one spoke.

Chairman Dowling asked for a third and final time if there was anyone present who wanted to speak for or against the application; no one spoke.

Chairman Dowling asked for a motion. Mr. Conklin moved to approve application SPR3-2011 by PC Resolution 16-2011. Mr. Easterling seconded the motion. ROLL CALL: Mr. Conklin-Yes; Mr. Easterling –Yes; Ms. Jacobs-Yes; Chairman Dowling - Yes. The motion carried 4 – 0.

Mr. Easterling asked for a general explanation of what is sent on for Council's approval once the Commission has heard the application. He used Application SPR3-2011 as an example, whether or not they could go on with their plans or did it go on to Council. Mr. Arters explained, mostly just rezoning goes on to Council. Mr. Arters stated their next step was to file a mylar and buy the property, once that is secured they will build. He doesn't think they are going to build until next year when their lease is up with ACME. They told Mr. Arters their procedure is to get the site plan approved before they purchase the property to avoid any problems.

There was discussion about the plans for the other property owned by Mr. Brenner, the old Bishop property. Mr. Arters said he has not submitted them yet. The plans for the outside shell were submitted years ago, but once he has a tenant in the front building, they will revisit the whole site plan. Just recently Mr. Arters has gotten inquiries from several businesses as to rental of the back of the building and what can go in there.

Mr. Dowling asked how far he could currently go. Mr. Arters stated just the front shell and the dressings on the outside. Mr. Brenner's office got a permit for a build-out, but as far as Mr. Arters knows he will not be moving for another year. Mr. Arters said when he decides what will go in there, we will finish up the whole plan.

Discussion was had about Amato's Restaurant closing down in the Loyal Oak district.

III. OLD BUSINESS:

Chairman Dowling asked if there was any old business; there was none.

IV. NEW BUSINESS:

Chairman Dowling asked if there was any new business. Mr. Arters said there were two Site Plan reviews coming for the next meeting, one is an Internet Café on Barber Road and the other on Wadsworth Road at Willoughby Supply. There is a back building that they would like to put in a recycling business of shingles etc.

Mr. Easterling said he wanted the other member's opinions on the widening of Cleveland-Massillon Road. He looked at the plans again and said the only additional driving lanes he could see were at the Norton High School football field to Weber Road. He said everything else is center left turn lanes. Mr. Arters said yes, that as their original intent the whole time. Mr. Arters said they looked at five lanes, but it was cost prohibitive. They studied the traffic flow and decided three lanes was good. Mr. Easterling stated rather than having the center left turn lanes, he would rather have two lanes coming from the north to the south; it would be the same cost. Mr. Arters said he just leaves it up to the experts as to what is needed for the traffic flow. Chairman Dowling said it is probably AMATS 's call on that. Mr. Easterling said do they have any input. Mr. Arters said he doesn't know what the status is, just that it is down to two designs. Mr. Arters said the City Engineer would be the best person to ask those questions to. They discussed the Engineer's part time hours. Mr. Easterling said in his opinion we didn't have a left turn problem, we have a volume problem. He also saw other problems because once you get to Weber, it goes back down to one lane. Mr. Dowling expressed his concerns about the center left turn lanes too. Mr. Conklin added the time it takes to make a turn into the library when traffic is backlogged from the stoplight is a problem.

Mr. Dowling said that they had disagreements on the turn lanes at Mt. Vernon years ago. He said people were angry and concerned about the turn lane at the top of the hill, because people were passing them. Ms. Jacobs added that it was dangerous at that location.

Mr. Arters suggested that Mr. Easterling come in to see the Engineer at the City Building to discuss his concerns.

Other general discussion occurred about the rezoning issue on the old Firestone store on Barber Rd and Loyal Oak Hardware store on Wadsworth Road.

IV. CONSIDERATION OF MINUTES:

Discussion had about the amount of minutes that have yet to be transcribed.

V. ADJOURNMENT:

With no further business before the Commission, Chairman Dowling announced the next scheduled meeting would be June 28, 2011, and adjourned the meeting at 6:30PM


Planning Commission ~~Chair~~
Vice-Chair


Planning Commission
Member

10/25/11
Date

PLANNING COMMISSION RESOLUTION

June 14, 2011

PC RESOLUTION NO.: 15 - 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 10/12/11

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN

Therefore PC Resolution No. 15 -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.

Robert P. Daugh
Planning Commission Chair/Vice-Chair

[Signature]
Planning Commission Vice-Chair/Member

6/14/11
Date

PLANNING COMMISSION RESOLUTION

June 14, 2011

PC RESOLUTION NO.: 16 - 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:

APPROVE APPLICATION

Vote on Motion: FOR 4 AGAINST 0 ABSTAIN

Therefore PC Resolution No. 16 - 2011 has been:

APPROVED X 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

6/14/11
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, June 14, 2011**

PLEASE PRINT:

NAME:

STREET ADDRESS (NO P.O. BOX):

CITY & ZIP CODE:

BRENT ARTMAN

13710 CLEVELAND AVENUE

UNIONTOWN, OHIO 44685

Dan Wright

3747 Fishcreek Rd.

Stow, Ohio 44224

Signed: _____

Stenographer



The City of Norton - Inter Office Memo

TO: Norton Planning Commission
FROM: David White, P.E., Municipal Engineer
DATE: *April* ~~March~~ 25, 2011
SUBJECT: Application SPR3-2011 – Hallrich, Inc. (Pizza Hut Norton)
COPY: Russ Arters

I have reviewed the plans for the subject project. I submit the following comments:

Sheet A001
No comment

Sheet C-1
No comment

Sheet C-2
Recent studies of the Cleveland Massillon Road corridor have revealed that the City of Norton needs to implement better access management along Cleveland Massillon Road and other arterial roads in order to promote safety and minimize congestion impacts.

In general, Cleveland Massillon Road access management concerns should include at least the following:

1. Limit the number and locations of access points to Cleveland Massillon Road. In general, there should be at least 200 feet between vehicular access points to commercial sites. This is needed to provide safe use of center left-turn lanes
2. Require alignment of access points on the East Side with access points on the West Side of Cleveland Massillon Road for new and redevelopment sites. This is also needed to provide safe use of center left-turn lanes
3. Require access easements as necessary to facilitate #1 and #2 above. In general, all commercial sites should provide for interconnecting of vehicular traffic to all adjacent sites.
4. Require dedication of additional right of way where necessary to provide adequate safety features.

The City of Norton Planning Commission should implement an "Access Management Policy" for at least Cleveland Massillon Road between Weber Drive and Pleasant Street. In addition, access management should also be discussed for other roads in commercial areas.

Access Management specific to this site:

1. Ultimately provide only one access point between Oak Street and Pleasant Street. The most appropriate location for this access point is the existing North Access to #4039 S. Cleveland Massillon Road.
2. Provide appropriate access easements parallel to Cleveland Massillon Road to move vehicles to Pleasant Street, access point noted in #1 above, and to Oak Street.
3. Dedicate an additional ten feet (10') Cleveland Massillon right of way.
4. Provide future access easement to Parcel No. 46-06219
5. Waive setback requirements where it facilitates access management

The City of Norton Planning Commission should implement similar policy for any redevelopment that occurs on the East Side of Cleveland Massillon Road. Encouraging cooperation among commercial developments at this time may preclude future needs to provide concrete barriers to prevent left turns for safety purposes, as has been a common practice in areas of increasing traffic volumes.

Sheet C-3

The proposed water connection as shown on the plan is not acceptable. The water service line must connect at right angles to the water line in Cleveland Massillon Road.

In addition, the proposed water connection is shown tapped into a hydrant line. Water service would be interrupted any time regular maintenance is done to the hydrant.

One possible alternate, which is subject to the concurrence of the City of Barberton Utilities, which is the provider of the water supply: with adequate easements and valves, it may be acceptable to connect south to the existing 3-inch water line that serves the existing building at #4050 Cleveland Massillon Road.

Sheet C-4

According to the "Site Data" shown on the plan, "Total Development Area = 0.96 Acres". Because this redevelopment portion is less than one acre, filing a Notice of Intent (NOI) with the Ohio EPA is not required.

However, this is clearly part of a larger site re-development. The City of Norton Planning Commission should require a letter from TDLMB Properties LLC acknowledging that any additional earth disturbance on the remaining site will require NOI filed with the Ohio EPA, and a Storm Water Pollution Prevention Plan be submitted to the Summit Soil and Water Conservation District (Summit SWCD) with proper application and fees. Water quantity and quality treatment of 20% of the entire site, including this portion will be required.

Sheet C-5 and C-6

It appears that storm water pollution prevention is addressed; however, these sheets should be submitted to the Summit SWCD.

Sheet L-1

No comment

Sheet A301

No comment

SE101

No comment