

City of Norton
PLANNING COMMISSION
Tuesday, March 12, 2019

The Planning Commission of the City of Norton, Ohio, convened for a public meeting in Council Chambers at the Safety Administration Building. Chairman Dowling called the meeting to order at 6:03p.m.

I. ATTENDANCE:

PRESENT: Ralph Dowling, John Conklin, James Lada and Ruth Stimac

EXCUSED: Marion Peterson

ALSO PRESENT: Robert Fowler-Administrative Officer; Bill Braman, Zoning Inspector; Shannon Szittai- Administrative Assistant

II. PUBLIC APPLICATIONS

Chairman Dowling stated there were several applications, new and old, on the agenda to discuss.

III. OLD BUSINESS:

A. MUD

Chairman Dowling explained that this was for a Mixed Use District to which there were some revisions since the last meeting and turned it over to Mr. Fowler. Mr. Fowler stated the change increases the minimum acreage as currently proposed it has no acreage; without a minimum acreage limit, issues could arise with someone wanting to rezone just a couple of acres. As a ten acre parcel is required for a C-Rec area, we have chosen 10 acres to meet the requirements. Chairman Dowling clarified the intent would allow apartments and a commercial district. Mr. Fowler explained there could be a 14 acres parcel split into: commercial condominiums as in office condos; a back half that could be residential with single story condominiums sold as individual units. Mr. Dowling asked if this had been used in other communities and Mr. Fowler concurred. Mr. Fowler indicated the City needed Planning to get through this as soon as possible and Mr. Dowling responded they would table it for now and give members a chance to go over it as they just received it.

B. C-1 Zone Change- Mr. Dowling tabled this for the time being as Mr. Fowler had another appointment to attend and would have to leave so they would skip to PC Application R4-2019 first under New Business.

IV. NEW BUSINESS:

PC Application R4-2019

Rezone

Board of Park Commissioners of Summit Metro Parks – Owner

City of Norton- Agent

4060 Columbia Woods Drive

Norton, Ohio 44203

PPN # – 46-01076, 46-08865, 46-08866, 46-02628, 46-08579

[Rezone- Zone Change from R3-RPC to I-1]

Mr. Dowling explained that this was a request by the City of Norton to rezone some property on Cleveland Massillon Road from R3-RPC to I-1 and asked Mr. Fowler for some input on it.

Mr. Fowler explained we are requesting a zone change for five parcels, two of which are on Eastern Road and three are on Cleveland Massillon Road. They are currently owned by Summit County Metro Parks. There is an I-2 directly east, to the south there is Barberton and some I-1 uses, and KDA is to the north so it fits the industrial setting. Mr. Fowler pointed out that even with it going industrial, any building to go on still comes back to the Planning Commission and submitted to Council so it doesn't mean anything will actually happen. Mr. Fowler added that the RPC parcels are the only classified type of parcels within the City.

Mr. Dowling stated that there were some housing developments (Pride One) proposed for that area, but issues with that ended in the project being terminated with Metro Parks buying up all the parcels. Mr. Fowler stated he believed Metro Parks was selling the entire allotment that they own; he went on to say the couple of other parcels belong to a Trust, two are owned by the Church, and Barberton owns one.

Mr. Dowling opened the floor to the audience for comments for or against the application.

Ms. Antoinette Seymour, 5120 Fairland Road, asked Mr. Fowler for clarification on the parcels. Mr. Fowler responded he believed there was a seven acre parcel, around forty acres off of Eastern, and three rectangular shaped parcels off of Cleveland Massillon Road. Ms. Seymour asked if the acres off Eastern went to Fairland and the consensus that part of it did, but not all of it. Ms. Seymour stated she was specifically interested in the property right next to her house, which is the third house down from the corner. Mr. Dowling informed her the parks owned all the property beside and directly behind her with all those parcels being involved in the zone change. Ms. Seymour asked on the intent of the rezoning and Mr. Dowling responded he believed there were some opportunities for development there that could not be done under the current zoning. Mr. Dowling explained that whatever was going to go in would have detailed maps and the residents would be notified again with at least two opportunities to be before the PC and Council.

Ms. Tanya Vanderveen stated she lived on Union Street with one parcel behind her property with KDA to the left and it is an absolute eyesore. She does not wish to look at big, industrial buildings behind her. She has been told by Summit County Parks and Recreation to ask about this as well as speaking to local Council members in Norton; they have told her that an industrial parkway is in fact going in there. She would like to know why they are telling her that this is just a rezoning for the possibility of building when in there are plans in the works. She wants to know what kind of industry, if it will take over all five parcels, and if it will be backed right up to her property line. Should she be worried about pollution, trucks, and the sound? She wants to know what the City of Norton is paying for the property and what kind of revenue the City is expecting to gain with this deal. She has driven around all the parcels and there are yellow signs stating it is a conservation area are all along it; she also took pictures. She wants to know why the City of Norton would be looking to do away with that. She brought a picture of what KDA looks like. Mr. Lada stated they could not answer those questions as this is strictly a rezone and Mr. Dowling added the parks still own it and it has not been sold yet. Ms. Vanderveen asked if it wasn't correct that the intent was to buy it and Mr. Fowler responded he was not going to comment on who was making the purchase. Ms. Vanderveen asked again then why would you rezone it as Summit County Parks and Recreation would not rezone it for industrial purposes. Mr. Fowler addressed the Planning Commission reminding them how often we rezone parcels and property. Several times we have brought property before you to rezone parcel for potential land deals such as the Dollar General Store and Mr. Dowling agreed. Ms. Vanderveen asked if they typically rezoned parcels of land that they do not own. Mr. Fowling stated we have requested, on many occasions, before a purchaser pays for any of the parcels; yes, we have. Ms. Vanderveen asked who is purchasing the land if you are rezoning it. Who will be in charge; who will collect the taxes as she is quite certain it was not going to be metroparks. Mr. Fowler responded that Summit County Fiscal office collects all the taxes and he didn't believe he understood her question. Ms. Vanderveen stated, yes the Parks own the property and the City wants to rezone it for the purpose of bringing industrial businesses in; she wants to know who is going to buy it. Was the City? Mr. Fowler stated it was not up for discussion now and would not disclose who it is. Ms. Vanderveen asked who is partitioning for the rezoning and Mr. Dowling responded that the City was the agent for Metro Parks, the owner, as is on the application. Ms. Vanderveen stated so the City of Norton is the agent for somebody who wants to come in and build on this property and Mr. Dowling concurred and added it may never happen like Pride One. Ms. Vanderveen stated she felt City Council was not being transparent with the intent on what they are doing with the five parcels. We will never be able to sell or get back the worth of our homes and it affects our livelihood.

Mr. Mike Stack, 3004 Union Street, stated the City allowed KDA to come in and they bent over backwards for him. He built right in this guy's back yard; he is 2000 feet off Cleveland Massillon Road and could have stayed out of the residential neighborhood. Mr. Dowling questioned if that property wasn't already zoned business and it was stated it was. Mr. Stack's concern was you all need to set a buffer/boundary between the neighborhoods; they cannot allow them to build right up on him. Mr. Dowling responded it is pretty open-ended, but quite often they can impose requirements such as tree lines

or embankments; with KDA, he believed that property was already zoned so there was nothing they could do and it was more a matter of where they could build. Mr. Stack stated that KDA still had trees and such he never cleaned up and that is what he is looking at. Now the City is saying the tree line doesn't have to be maintained, but Barberton park district maintained it before and now KDA does what he wants with no backfill or anything. Ms. Vanderveen stated that part of their frustration with Mr. Fowler is that when KDA came in, they built right up to them and the City explained it would be cleaned up after it was finished. They keep calling and no one does anything; they fear the new area will be the same. We have a beautiful home that Michael customized himself twelve years ago and they will never get out of it what they put in. Mr. Dowling pointed out he was disappointed when Metro Parks bought it and it took away from the City with what they could have gotten with housing or business, especially along Eastern. Now they are wanting to sell it back and he assumes they will make money on it and Ms. Vanderveen stated of course they were. Mr. Stack stated he was told that the City of Norton approached Summit County Parks and offered to buy it and Ms. Vanderveen concurred. Ms. Vanderveen stated they were doubly aggravated with Mr. Fowler as he does not return phone calls; we've been trying to get the City to address the brush issue from KDA. Mr. Braman interjected and stated that the brush and other issues the residents had with KDA were not an issue for the City Administrator to handle; it was his job and he has never heard it about this issue or had any calls in regards to that. Mr. Braman stated he would give them his card and they could contact him; he would work with them to rectify problems with the property. Mr. Braman shared that Mr. Fowler was not the Administrator of Norton when KDA came in. Ms. Vanderveen stated they had a problem with Mr. Fowler not being forthcoming about what he knows as Summit County Parks told them they were aware that industrialization is coming to those 5 parcels; so Mr. Fowler knows and she realizes the process, but she thinks it will happen and she wants to know how it will affect them. Mr. Braman stated we cannot speak on something that is not a signed deal. Mr. Stack said it is signed, but not dated. Ms. Vanderveen stated the City of Norton is looking to purchase that land for the purpose of bringing industry in and the first step is the rezoning. Mr. Braman stated he does not know and Mr. Dowling concurred.

Reverend Curtis Stevens, the pastor of St. Mathew Lutheran, and they overlook much of that property. He does not live there, but the church has been there since the early '60's with their property going up to the creek. In order to be a good neighbor to the properties and the entire community, his opinion is that we all have kids and grandkids that need work. His view is land when developed creates prosperity for all and it is needed for growth. He would welcome industry coming in and being built there; good economy is good for the people and city. He would like some kind of barrier being built to make it more neighbor friendly.

Mr. Dan Newman, 3172 Cleveland Massillon Road, asked if there was a plan for the entire city or is it just being done piecemeal. Norton has refused to develop along the highways since the 1960's, but we go out into the country and ruin green space; to benefit people who own land who are in the center of town. It's preposterous to take 40 acres of green space and turn it into industry. If you are not just padding someone's

pocket or helping out some favored donor on Eastern Road, you should have a plan for developing land that is not green space. That is the absence of a Planning Committee. Mr. Dowling stated for some reason no one has pursued those other areas. Mr. Newman stated that Mr. Fowler leaves soon as the questions start and that happens in Norton.

Mr. Dowling asked for comments from the commission. Mr. Lada stated he would like to motion to table this tonight and go back to Mr. Fowler to get a better understanding as to what the origin of this is. He believes it is a concern for anyone abutting up to open land and we should have a plan for dealing with it when changing zoning. We should make decisions that help the whole city and not just the buyer. Mr. Conklin seconded and added this is a straight zoning request and as far as the buffer there is no mechanism to do that here. As far as green space, he understands the feelings but he is concerned at times that Norton has more than its full share of green space, particularly as far as the Metro Parks are concerned. You also need to consider that the Barberton side of Eastern road is already industrial and the water and sewer could be driving this section to be developed. Mr. Dowling reiterated that if it is rezoned, it still has to come back with plans and buffers and such could be addressed then. Mr. Braman stated we have systems in place and a zoning change was brought forward; we have the site plan reviews and such to go through later. As far as the statement that Norton stops development as was stated by Mr. Newman, he takes offense at that. It is why we are here; he wants good things to happen, but you cannot move forward if you table everything all the time and it is why we have the systems in place and have open meetings to discuss it.

Mr. Ralph Dowling asked for a roll call to table the rezoning Application SPR3-2019.
ROLL CALL: Mr. Lada-Yes; Mr. Conklin-Yes; Mr. Dowling _Yes; Ms. Stimac-Yes.

Motion 4-0...Tabled

Mr. Dowling stated he would set up a meeting for more information.

**PC Application CUP2-2019
Conditional Use Permit
(Eddie's Auto Body)
Ed Shockley – Owner
4508 S. Hametown Road
Norton, Ohio 44203
PPN # – 46-05872
[To Display and Sell Storage Buildings]**

Mr. Dowling stated this is for the display and selling of storage buildings on the property.

Mr. Eddie Shockley, 9240 Hametown Road, described that he wanted to remove the fence line and put it there with gravel so it wouldn't be muddy. Mr. Braman stated he thought it would be best to file it under a conditional use and Mr. Dowling stated he felt that was most appropriate as well. Mr. Lada asked if the buildings would be anchored

so they wouldn't get blown away or over and Mr. Shockley stated he believed the huge company would be handling that and they would at least be blocked; he was only going to be a dealer. Mr. Lada stated he had looked up the company and it seemed they had quality buildings. Mr. Shockley stated they would be new in this area. Mr. Lada offered some presentation ideas for easier selling and Mr. Shockley stated the company sets them up.

Mr. Dowling asked for public comments and received none. Mr. Dowling then asked for recommendation or motion. Ms. Stimac made a motion to recommend the conditional use for PC Application CUP2-2019 and Mr. Conklin seconded.

Mr. Dowling asked for a roll call on Application CUP2-2019. ROLL CALL: Ms. Stimac-Yes; Mr. Conklin-Yes; Mr. Lada-Yes; Mr. Dowling _Yes
Motion 4-0

**PC Application SPR3-2019
Site Plan Review
(Meden Place)
Thomas Lehner – Owner
Robert Powell AIA, Arkinetics Inc- Agent
3163, 3177 & 3191 S. Cleve-Mass Road
Norton, Ohio 44203
PPN # – 46-01492, 46-03809, 46-02415
[Site Plan Review]**

Mr. Dowling questioned whether this was a preliminary plan. Mr. Braman stated he believed it was a final. Mr. Dowling stated he got some paperwork from GPD for comments, but he didn't think any of them were major.

Mr. Robert Powell AIA, of Arkinetics Inc, stated they were looking for site approval for a mixed development of office and retail space. They had received the GPD comments and the engineer was here to answer on it if necessary. Mr. Dowling asked if there was sewer or water there. Mr. Newman responded that there is none, but conveniently now that they want to develop, he got a letter stating they wanted to put it up there. Mr. Dowling asked if they had spoken to Barberton and Mr. Matthew Weber, the engineer, stated that there is water and sewer down by the Tavern. The understanding is water and sewer will be extended as some kind of TIF or financial assistance. The structure was discussed on office space and handicap accessibility being available. They had received two variances through the BZA for increased height and decreased parking space. As it turned out, the area was somewhat smaller than thought, so everything is a little smaller than first presented. Mr. Dowling noted there weren't really any second floor office space showing and it was explained they did not know how many places would be rented at this time. Mr. Conklin asked about a buffer and the engineer explained they had spoken to the neighbors; they would have a retaining wall, there was a tree line there and the natural topography was actually lower than the homes behind

them. There was discussion on the septic systems of the homes, but they believed the homes would be in compliance. The home located on the property was to be torn down and storm water drained south. Mr. Dowling discussed the area was zoned B-2 so there should be no issues there.

Mr. Dowling called for public comments for or against the application.

Mr. Newman stated he lived across the street and he thought it was a great idea. On the septic systems, there is a creek that runs down between this property and the houses to the back and he can say for a fact that it is sewage most of the year like most of the creeks that run in Norton. Mr. Newman stated he did not know if it was on this property, the property line, or the homes behind it, but it is there. Mr. Dowling responded that is something they may come across that while excavating and have to address it.

Mr. Scott Hollandsworth, 3194 Cleveland Massillon, stated he lives across the street and he wished he would have known it was getting rezoned or he would have been there as he did not get a letter like he did for this one. There are a dozen places like this in town and talk had been on a buffer zone between the industrial and residential areas. There is a bus stop right across the street and they don't know what is going in there. There is enough traffic there already and what happens when someone runs over his friggin' kid or his dog. He wants to know what the actual plan is; is it to just throw up another empty building and hope we get renters because it is not working down town. There is nothing up there; we are a mile and half from any freeway. It's a busy road, but it is all residential and he would not have bought there if he had known he would have bought somewhere else. He is going to lose his tail and he does not want to look at it. Mr. Dowling stated we are not rezoning the area as it is already zoned he believed B-3, so it is already business. They are within their rights to come and propose something. A developer sees an opportunity to build something.

Mr. Dowling asked for a motion and Mr. Conklin motioned to approve PC Application SPR3-2019 and Ms. Stimac seconded. Mr. Conklin stated he was not against the application, but is concerned on jumping to a final plat without a preliminary. Mr. Dowling stated we should note there are comments from GPD and maybe should add that it is subject to the comments. Mr. Weber stated he had received the comments from GPD on Friday and he had responded to them; they take no issues with the comments. The motion was withdrawn and Mr. Dowling made a new motion to approve on the condition of the comments from GPD being resolved with Mr. Lada seconding. Mr. Gainer said he had seen the comments and he thought they had been addressed; Mr. Dowling stated Planning had just gotten the recommendations today. ROLL CALL: Mr. Dowling _Yes; Ms. Stimac-Yes; Mr. Lada-Yes; Mr. Conklin-Yes
Motion 4-0 approved

Mr. Dowling stated he would pass it on to Administration and Council. Council will need some new drawings and the comments for a final.

Mr. Dowling called for a short break to organize and appoint Chair and Vice Chair.

Ms. Stimac motioned for Mr. Dowling for Chair and Mr. Conklin seconded. ROLL: Ms. Stimac-Yes; Mr. Conklin-Yes; Mr. Lada-Yes; Mr. Dowling-Yes
4-0

Ms. Stimac motioned for Mr. Conklin for Vice Chair and Mr. Lada seconded. ROLL:
Ms. Stimac-Yes; Mr. Lada-Yes; Mr. Dowling-Yes; Mr. Conklin-Yes
4-0

Mr. Dowling recognized they were working on the C-1 plan and the one change was the 15% versus 20% on parking spaces. It was decided that the revisions got written incorrectly as Planning had recommended 15%. There are just so many versions so far. Mr. Braman pointed out that until it was approved, variances had to be held on the parking spaces. He believed Planning had only gotten through 10 pages. Mr. Lada commented he had a problem that the overlay section is actually a duplicate. Mr. Dowling stated he had an issue in 1234.02 and .03 with the site plan development. The different uses need to be distinguished better and Mr. Braman stated it should come back to Planning. Mr. Dowling stated the wording in the C-1 and 1234 seem to be the same. He was going to incorporate all the comments and would type all the changes out. Mr. Conklin asked where they were at on the 60 days. Mr. Lada explained to the audience the zoning they are currently discussing and making a new chapter for a new zone to limit the types of businesses in certain places in the City. Cleveland Massillon Road is a development target as it is a main road and an old State Route. This Code will limit the business that will be in the districts so you don't have a liquor store across the road. We cannot fix everything until people move or build something on. Mr. Dowling stated we are trying to be business friendly, yet be standardized within this district so there are not industrial types and such.

Ms. Vanderveen asked about the different zoning and if it was available to the public that told what types of business could go in them and Mr. Dowling concurred. There were further questions from the public concerning the Metro parcels, but the residents did not come to the podium so were not formal questions for the next half hour. Mr. Gainer tried to explain the C-1 district, but the residents were interested in the industrial zoning of the Metro Park parcels. Ms. Vanderveen stated she appreciated all that, but her concern was her property value and how it was going to be affected by the I-1. It was explained to her that there is 100 foot limit for the buildings to be away from her property line and there has to be a project to get sewer and water lines developed. The City could not afford to spend four million dollars on sewers without some kind of partner involved. The residents then questioned the City being able to buy the park land and to use that money to put in sewer lines instead. Ms. Vanderveen questioned is the City, as the agent, couldn't change the zoning a little so the entire parcel area could have the building setback made further from their property lines. Mr. Dowling explained it would likely have to go to the BZA or a change to the Code; it would have to be all I-1s. The Planning Commission has no mechanism for doing something like that. Mr. Braman stated it sounds more like a legal problem or something for your Councilman. Ms. Vanderveen stated the agent is acting like a real estate agent in layman's terms.

Mr. Braman explained that someone looking to develop want to know they can build somewhere before they talk money or anything. Mr. Dowling stated that is why they tabled it; so they can find out some information. Mr. Conklin stated they cannot build if it is landlocked; it needs a residential street. Mr. Conklin added the district they are looking at for C-1 is stricter in the overlay area. Mr. Conklin stated the City cannot spend money to buy property without Council approval and Ms. Whipkey concurred. Ms. Vanderveen went over her conversation with Summit County again and Mr. Lada stated that is what they will find out from Mr. Fowler.

Mr. Conklin asked why PPG was moving all the dirt and Mr. Dowling stated they knew; they had had a conversation with PPG on the restoration of the two lime lakes. The C-1 and MUD would be discussed at the next meeting.

IV. CONSIDERATION OF MINUTES:

Chairman Dowling stated no minutes to be approved at this time.

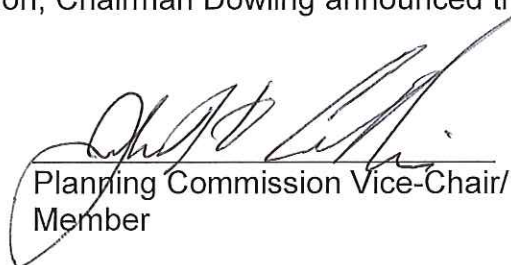
V. ADJOURNMENT:

With no further business before the commission, Chairman Dowling announced the next scheduled meeting will be in two weeks.



Planning Commission Chair/
Vice-Chair

3/21/19
Date



Planning Commission Vice-Chair/
Member

Meeting adjourned at 7:59pm

*** ORIGINAL SIGNED DOCUMENTS ON FILE WITH THE CLERK OF COUNCIL ***