

NORWALK PLANNING COMMISSION

Norwalk, Ohio
Agenda

DATE: February 13, 2019
TIME: 7:00 p.m.
LOCATION: Norwalk Municipal Courtroom

SCHEDULE OF BUSINESS

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 - December 12, 2018
- IV. COMMUNICATIONS
- V. UNFINISHED BUSINESS
- VI. NEW BUSINESS

Item No. 19-009

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF NORWALK,
OHIO CHANGING THE ZONING OF SPECIFIED PROPERTY FROM R-2 TO R-3

First Reading
Tabled & Referred to Planning Commission

January 3, 2019
January 3, 2019

- VII. MISCELLANEOUS BUSINESS
- VIII. ADJOURNMENT



Jaime L. Peiples, Clerk
Planning Commission

Commission members please note: If you cannot attend the meeting, please call the clerk
cc: O'Hara, Mayor, Zoning, (Dave Wallace) Planning Committee Chair



CITY OF NORWALK, OHIO
ORDINANCE NO. 2019 - ____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF NORWALK, OHIO CHANGING THE ZONING OF SPECIFIED PROPERTY FROM R-2 TO R-3

Being duly authorized by the Charter of the City of Norwalk, the **Mayor** of the City of Norwalk, on behalf of the **Zoning Officer**, does hereby respectfully propose the following legislation:

WHEREAS, an application has been filed pursuant to Sections 1143.03 and 1143.04 of the Norwalk Codified Ordinances seeking a change in the zoning of property located at 57 Cline Street, Norwalk, Ohio, from R-2 to R-3; and

WHEREAS, pursuant to Section 1143.05 of the Norwalk Codified Ordinances and Section 6.04 of the Charter of the City of Norwalk said application and this Ordinance have been transmitted to the Planning Commission and said Commission has, pursuant to Section 1143.06 returned to Council its report and recommendation relative to said application; and

WHEREAS, a public hearing on said application and this Ordinance has been held in accordance with Section 1143.07 of the Norwalk Codified Ordinances; and

WHEREAS, Council finds that the proposed change to the zoning of the above-mentioned property would be conducive to the public necessity, convenience and good zoning practice and that the foregoing requires the proposed change:

THEREFORE, BE IT ORDAINED by the Council of the City of Norwalk, Huron County, Ohio, to wit:

Section 1: That pursuant to section 1143.08 of the Norwalk Codified Ordinances, the Zoning Map of the City of Norwalk, Ohio, is hereby **amended** to change the zoning of the property located at 57 Cline Street, Norwalk, Ohio, being permanent parcel numbers 33029001026000, 332029001025000 and 330290010260100, and more fully described in **Exhibit A** attached hereto and made a part hereof, from R-2 to R-3.

WHEREFORE, this Ordinance will be in full force and effect from and after the earliest period allowed by law.

ATTESTATION:

It is hereby attested and affirmed that the foregoing Ordinance received the necessary affirmative roll call votes required for passage *on this* ____ *day of* _____, 2019.

President of Council

Clerk of Council

ORDINANCE APPROVED:

Robert L. Duncan, Mayor

Date

EXHIBIT A

DESCRIPTION OF 16.8343 ACRES IN LANDS OF HARRY KRAMER
IN LOTS 16 AND 17, SECTION 3, CITY OF NORWALK, HURON COUNTY

Situate in the State of Ohio, County of Huron, City of Norwalk, and being in Outlots 16 and 17, Stephen Lockwood Tract, Section 3, Norwalk Township, also being a 16.8343 acre tract out of lands of Harry Kramer, D.V. 284, Pg. 893, all references herein to the records of the Huron County Recorder, and being further described as follows:

Beginning, for reference, at a 1/2" iron rod found at the northeast corner of Outlot 16 and in the west line of Cline Street (66 feet in width); thence, S. 10 Deg. 35 Min. 00 Sec. W. with said west line, a distance of 479.26 feet to a 1/2" iron rod set and the true point of beginning for this description;

thence, S. 09 Deg. 49 Min. 17 Sec. W. through the aforementioned lands of Kramer, a distance of 1169.00 feet to a 1/2" iron rod set;

thence, Due North, a distance of 476.01 feet to a 1/2" iron rod set;

thence, N. 89 Deg. 53 Min. 52 Sec. W. with the south line of the Norwalk Steel & Iron Company Addition to Norwalk, P.V. 5, Pg. 17, a distance of 632.91 feet to a 1/2" iron rod set;

thence, S. 12 Deg. 27 Min. 17 Sec. E. with lands of Ungerer, D.V. 343, Pg. 902, lands of Sanderson, D.V. 369, Pg. 226, lands of F.L. and L.E. Blystone, the easterly termination of Grand Avenue, and with lands of the City of Norwalk, a distance of 832.42 feet to a P.K. nail set;

thence, S. 69 Deg. 55 Min. 21 Sec. E. with S.C. & W.E. Gill's Second Addition, P.V. 4, Pg. 4 a distance of 1265.21 feet to a 1/2" iron rod found;

thence, N. 0 Deg. 07 Min. 34 Sec. W. with lands of Jehovah's Witnesses, Inc., D.V. 349, Pg. 1007, a distance of 289.82 feet to a 1/2" iron rod found;

thence, N. 89 Deg. 46 Min. 54 Sec. E. with said lands of Jehovah's Witnesses, a distance of 160.39 feet to a 1/2" iron rod found;

thence, N. 89 Deg. 49 Min. 17 Sec. E. along the north line of an alley 27.5 feet in width, a distance of 180.07 feet to a point in the westerly line of Cline Street;

thence, N. 10 Deg. 35 Min. 00 Sec. E. with said westerly line, a distance of 50.90 feet to the point of beginning for this description, containing 16.8343 acres of land, more or less, subject to all rights of way or easements of record.

This description was prepared by John Hancock, R.S. No. 6918 from a survey conducted in September, 1909. Bearings herein are based on the west line of Cline Street bearing S. 10 Deg. 35 min. 00 Sec. W.

Situate in the State of Ohio, County of Huron, City of Norwalk, and being in Outlot 16, Stephen Lockwood Tract, Section 3, Norwalk Township, also being a 12.1159 acre tract out of lands of Harry Kramer, D.V. 284, Pg. 893, all references herein to the records of the Huron County Recorder, and being further described as follows:

Beginning, for reference, at a 1/2" iron rod found at the northeast corner of Outlot 16 and in the west line of Cline Street (66 feet in width); thence, S. 10 Deg. 35 Min. 00 Sec. W. with said west line, a distance of 479.26 feet to a 1/2" iron rod set and the true point of beginning for this description;

thence, S. 09 Deg. 49 Min. 17 Sec. W. through the aforementioned lands of Kramer, a distance of 1169.00 feet to a 1/2" iron rod set;

thence, Due North, a distance of 476.01 feet to a 1/2" iron rod set;

thence, S. 09 Deg. 53 Min. 52 Sec. E. with the south line of the Norwalk Steel & Iron Company Addition to Norwalk, P.V. 5, Pg. 17, a distance of 1070.00 feet to a 1/2" iron rod set;

thence, S. 0 Deg. 06 Min. 00 Sec. W. with lands of Camp, D.V. 376, Pg. 629, a distance of 103.25 feet to a 1/2" iron rod set;

thence, S. 3 Deg. 19 Min. 26 Sec. W. with lands of McGushkin, D.V. 200, Pg. 170, and lands of Zubrzycki, D.V. 335, Pg. 1048, a distance of 172.54 feet to a 1/2" iron rod set;

thence, S. 86 Deg. 03 Min. 52 Sec. E. with said lands of Zubrzycki, a distance of 144.13 feet to a 1/2" iron rod set;

thence, S. 10 Deg. 35 Min. 00 Sec. E. with the west line of Cline Street, a distance of 100.86 feet to the point of beginning for this description, containing 12.1159 acres of land, more or less, subject to all rights of way or easements of record.

This description was prepared by John Hancock, R.S. No. 6918 from a survey conducted in September, 1909. Bearings herein are based on the west line of Cline Street bearing S. 10 Deg. 35 min. 00 Sec. W.

EXCEPT: Easements, restrictions, leases and right of ways of record, and except taxes and assessments now a lien on the premises which Grantees assume and agree to pay.

NORWALK PLANNING COMMISSION

December 12, 2018
7:00 p.m.

Municipal
Court Room

MINUTES

Jennie Hipp called the meeting to order. ROLL CALL showed the following members present: Jennie Hipp, Bill Kalfs, Alan Furey, Chuck Fritz, Keith Kovarik, and Scott Mercer.

Zoning Officer Mitch Loughton were also in attendance.

Mr. Fritz moved to excuse Tonya Corbin. Mr. Mercer seconded. All members voted in favor. Motion carried.

Mr. Furey moved to approve the minutes from October 10, 2018 as presented. Mr. Mercer seconded. All members voted in favor. Motion carried.

UNFINISHED BUSINESS

Mr. Kalfs asked if there had been any new communications on the property deeded to the City for park purposes which was discussed at a previous meeting. Mr. Loughton said the Law Director is still researching the topic.

NEW BUSINESS

Item No. 18-087a

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF NORWALK, OHIO CHANGING THE ZONING OF SPECIFIED PROPERTY FROM R-2 TO B-4

Mrs. Hipp said this legislation refers to the large property for sale on Cline Street.

Property owner Cindy Kramer was present and said she is asking to re-zone the property to make it more marketable. She added that the sale of the property would bring both income tax and revenue into the City.

Archie Neal, 153 Milan Avenue said that historically when a business opens in a residential neighborhood the surrounding homes become worthless. Mrs. Hipp said without knowing what a potential buyer's intentions are, there is no way to speculate what would happen in the future.

Tom Alexander, 50 Cline Street asked how the re-zoning would affect real estate taxes and insurance. Mr. Kalfs said the proposed change would not affect those costs unless the County Auditor were to reassess the surrounding properties on a commercial basis instead of residential. Mr. Loughton explained what types of businesses could go in a B-4 zone.

Janet Hall, 17 Glover discussed problems other housing developments have had with basements flooding. Mr. Kalfs explained that those concerns are not what the Planning Commission is considering.

Mr. Furey referenced the map Mr. Loughton distributed. Mr. Loughton explained the surrounding zones. He said the closest business to the property is Schild's IGA.

Mrs. Hipp asked Mr. Loughton to explain what uses are permitted in an R-2 zone. Mr. Loughton listed the uses.

Mary Jordan, 27 Glover asked if the property could remain an R-2 zone. Mr. Loughton explained that if the property is zoned R-2 it would not allow for multi-unit buildings. Mr. Loughton explained how the Council vote works following the recommendation from Planning Commission.

Fourth Ward Council Member Matt Doughty was present and said the communications he has received from residents have been against the re-zoning of the property.

Sarah Williams, 5 Glover said that in reference to changes in taxes, insurance, water, and sewer there is no way to know the effect until after it happens. She added that increased traffic and noise are other concerns.

Gerry Canterbury, 13 Glover said that there are many empty buildings around the City that factories could use. Mr. Loughton said there would be no manufacturing in the requested zone.

Sarah Williams, 5 Glover asked what types of businesses have expressed interest in the property. Ms. Kramer said there is nothing in the works. She said the application was filed to make the property more marketable to possibly become a housing development.

Mr. Kalfs commented that only some type of major developer would be interested in a property in excess of 20 acres, not someone wishing to build a bar or gas station.

Mr. Fritz said his problem with the request is the zone which has been requested. He said his opinion is that R-3 would be a better fit for the property. Mrs. Hipp agreed that a B-4 zone would open too many possibilities. Mr. Mercer also agreed.

Property listing agent Annette Wilcox said that much of Milan Avenue is already commercial. She said that the City is running out of room for light industrial property and added that the property owner is being restricted.

Mr. Mercer said that in looking at the map, the property does not touch any other business zones. He said this would be spot zoning because the property is surrounded by residential properties.

Archie Neal, 153 Milan Avenue discussed eminent domain. Mr. Kalfs said that is a governmental action and the Planning Commission is not addressing that topic.

Mary Jordan, 27 Glover said a development similar to Hunter's Glen would be appropriate use of the property. Mr. Furey explained how the levels of zoning work.

Property owner Cindy Kramer asked about spot zoning in reference to the Jehovah Witness Church and Federated Auto Parts. Mr. Loughton said that a church is a permitted use and Federated Auto Parts is not adjacent to her property.

Mrs. Wilcox said the re-zoning comes down to how she can market the property. She said she can't advertise the property in any way it is not zoned for. Mr. Kalfs said that any savvy developer would locate the desired property and change the zoning legally. Ms. Kramer said she was approached by two people wishing to install a development prior to listing the property. She said they weren't interested in re-zoning the property themselves.

Mr. Furey asked if an R-2 could be divided into lots for homes. Mr. Loughton said yes and added that an R-3 would allow for multi-units.

Mr. Fritz said an R-3 zone would be a more appropriate request for the area. Mrs. Hipp said her concern is the possibility of buyers wanting to build something other than homes.

Mr. Kalfs moved to send Council a recommendation to not approve the re-zoning requested in *Item No. 18-087a*. Mr. Furey seconded. Mr. Kalfs, Mr. Furey, Mr. Mercer, Mrs. Hipp, Mr. Kovarik, and Mr. Fritz voted in favor. Motion carried.

Item No. 18-073

AN ORDINANCE ACCEPTING THE PETITION FOR ANNEXATION INTO THE CITY OF NORWALK OF CERTAIN REAL PROPERTY OWNED BY CLIFFORD E. CANNON

Mr. Loughton said this property already has City water and is completing the annexation agreement.

Mr. Furey moved to send Council a recommendation to approve the annexation. Mr. Mercer seconded. All members voted in favor. Motion carried.

Item No. 18-091

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO PROVIDE FOR BREWPUBS AND MICROBREWERIES

Mr. Furey asked Mr. Loughton if in his research, he has found the B-2 zone to be the most acceptable zone for such use. Mr. Loughton said yes.

Mrs. Hipp asked if this legislation is just to make the option available for future use. Mr. Loughton said yes.

Mr. Fritz moved to send Council a recommendation to approve *Item No. 18-091*. Mr. Mercer seconded. All members voted in favor. Motion carried.

Item No. 18-093

AN ORDINANCE ACCEPTING THE PETITION FOR ANNEXATION INTO THE CITY OF NORWALK OF CERTAIN REAL PROPERTY OWNED BY RICHARD BROWN AND K. REED-BROWN

Mr. Loughton said this property already has City water and is completing the annexation agreement.


Mr. Furey moved to send Council a recommendation to approve *Item No. 18-093*. Mr. Mercer seconded. All members voted in favor. Motion carried.

MISCELLANEOUS BUSINESS

Mr. Fritz nominated Jennie Hipp for the position of Chair of the Planning Commission, Bill Kalfs for the position of Vice Chair of the Planning Commission, Mrs. Corbin for the position of Alternate Vice Chair of the Planning Commission, and Jaime Peiples for the position of Clerk of the Planning Commission. Mr. Kovarik seconded. None opposed. Motion carried.

Mr. Furey moved to adopt the Rules and Procedures of the Planning Commission as presented. Mr. Kovarik seconded. None opposed. Rules and procedures adopted.

ADJOURNMENT There being no further business to discuss, the meeting was adjourned.


Jaime L. Peiples, Clerk