

**MINUTES  
LOUISVILLE PLANNING COMMISSION  
JUNE 12, 2007**

Louisville Planning Commission met in regular session with Chairman Campbell presiding. The meeting was called to order at 8:15 P.M.

**MEMBERS PRESENT**

John Phillippi  
John Campbell, Chairman  
William Ferrell  
Ken Grosswiller  
Guy Guidone  
E. Thomas Ault, City Manager  
Cynthia Kerchner, Mayor-Council Member

**CITY PERSONNEL PRESENT**

Rob Duffrin, Law Director  
Sue Mendenhall, Deputy City Clerk  
Deborah Sanborn, Director of Planning & Development

**MINUTES OF THE MAY 8, 2007 MEETING**

MEMBER PHILLIPPI MOVED, MEMBER GROSSWILLER SECONDED, and the Motion carried to approve the Minutes of the May 8, 2007 meeting as presented. The vote: All yea.

Chairman Campbell swore in those in attendance planning to speak before the commission.

**NEW BUSINESS**

**PC 07-12 REQUEST TO REZONE PART OF OUTLOTS 150 AND 319, PART OF LOT 3431, AND LOTS 470, 471, 472, 459, 3405, 3406, 3409, 3410, 3411, 3412, 3413, 3414, 3426, 3427, 3428, 2429, 3430 ENTERPRISE CIRCLE FROM 1-2 TO B-5, LOUISVILLE EAGLES AERIE 2374, OWNER**

Director of Planning & Development, Deborah L. Sanborn presented the following staff report recommending the planning commission vote to deny the request and forward the recommendation to City Council for consideration.

**EXISTING CONDITION**

Vacant land  
Parcel: I-2  
North: I-2 and I-1  
South: I-2  
East: R-1 and R-3 (across SR 44)

West: I-2

### BACKGROUND INFORMATION AND COMMENTS

- In June 1996 in a joint venture with Louisville Molded Products and the owner of Hidden Pines Park (Sankbeil family), the City of Louisville purchased property off of SR 44 to create an industrial park
- In 1999 the city received a grant from the Ohio Department of Development to install the necessary infrastructure to support the development of an industrial park, a condition of the grant was that 22 new jobs be created
- The conditions of the grant expired in 2003
- The Louisville Zoning Code states the purpose of the I-2 Industrial, Manufacturing and Storage District is to “provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling and distribution, free from the encroachment of residential, retail and institutional uses. The uses allowed are those which because of their normally objectionable characteristics [cannot] be in relatively close proximity to residential and commercial districts.”
- In March of 2003 the Eagles entered into a purchase agreement with Louisville Molded products to purchase approximately 7 acres to be used as an outdoor gathering space for the fraternal organization
- In April of 2003 Planning Commission recommended a text amendment to the Louisville Zoning code to restrict permitted uses in industrial districts to those associated with repair, storage, manufacturing, processing, wholesaling and distribution.
- On June 2, 2003 City Council approved the text amendment.
- In September 2003 the Eagles completed the purchased the property in the industrial park from Louisville Molded Products.
- In August of 2004 the Eagles requested the entire 7 acres be rezoned B-5 to accommodate a private park
- In August of 2004 City Council let the request die for lack of a second to the motion to approve
- The applicant is requesting a portion of the property (approximately 3 acres) be rezoned to B-5
- The subject lots are located along SR 44 between the residentially zoned land to the east and the industrially used land to the west
- The Zoning Code states that the purpose of a B-5 zoning classification is to “provide for uses in addition to those specified for the neighborhood and general business district and thereby provide service and sales in support of the primary business activities in the community. This district includes activities which because of their nature, such as their tendency to encourage traffic congestion and parking problems, storage problems or certain other inherent dangers create special problems and are, therefore, best distinguished from other commercial activity. Their location is advantageous at specified points on major thoroughfares and at outlying locations in the community.”

- Section 1143.02(a)(10) permits cultural, educational, recreational or religious facilities maintained by government, religious institution or nonprofit organization in B-5 districts
- The applicant proposes to use the portion of the property under consideration for a fraternal organization's building and grounds
- The Louisville *Community Plan* future land use plan identifies the entire area as industrial

### STAFF RECOMMENDATION

In considering the rezoning of land within the city, there are several factors to examine. First, is there general support for the proposed zoning classification? Is it compatible with the environs, supported by the trend of development or consistent with the city plan? The City of Louisville *Community Plan* identifies this area as industrial due to the proximity to the state route and existing industrial uses to the west. It is located near existing residential uses and districts.

A second consideration is, does the proposed rezoning further the public interest? The city has an interest in furthering economic development. The inclusion of uses which do not result in job creation in an industrial setting reduces the availability of sites for industrial uses and job creation. The proposed use at this site could serve as a buffer between the future industrial uses and the existing residential uses near the industrial park and since the original request for rezoning in 2004, the Eagles have reduced the amount of land subject to the rezoning indicating a willingness to compromise.

A third consideration is, are public services available? Public services to this site are available. The water line serving the development is a 10-inch line designed for larger water users and fire suppression. The City received a grant from the Ohio Department of Development Roadwork Development Fund the purpose of which is funding the design, upgrade, and/or construction of public roads serving commercial or industrial economic development projects. In the grant, the City committed to an estimated 22 new jobs. The job creation period has expired. Although this area has been available for industrial development since 1999, there has been little interest in the sites.

Staff finds the requested B-5 zoning classification is inconsistent with the Community Plan. Staff further finds the proposed use could serve as a buffer separating the future industrial uses and the existing residential district to the east; however, a B-5 zoning classification permits uses that would not serve as a buffer. Such uses include but are not limited to filling stations, car washes, garden supply sales, preparation and processing of food and drink retailed on premises, mortuaries, and car sales and servicing.

The commission discussed the uses allowed in a B-5 and the current Louisville zoning code. They also discussed sale of other properties in the industrial park within the last 5 years. They further discussed the awkward intersection and truck traffic and

surrounding zoning and uses. They questioned whether this parcel should remain industrial for economic development.

City Manager Ault stated there has been very little interest in industrial use for the property. He stated B-5 zoning would provide somewhat of a buffer between residential and potential industrial uses. There is no guarantee this will always be the Eagles. Our current code allows for uses that are more objectionable than the proposed use by the Eagles.

Chuck Duplain, 1421 High Street, stated the Eagles would not have purchased the property if they have known they could not build on it. The Eagles need to downsize. The zoning description for I-2 was changed during the purchase process. He feels this is a small portion of the total I-2 in the city at this time.

MEMBER PHILLIPPI MOVED, MEMBER GUIDONE SECONDED, and the Motion carried to recommend the zone change to City Council for legislative action because it could serve as a buffer. The vote: All yea.

PC 07-13 CONDITIONAL USE PERMIT HEARING FOR A FAMILY LIFE CENTER FOR PARADISE UNITED CHURCH OF CHRIST IN AN R-3 MEDIUM DENSITY URBAN RESIDENTIAL DISTRICT, PARADISE UNITED CHURCH OF CHRIST, 619 EAST MAIN STREET.

See Exhibit A

PC 07-14 REPLAT REVIEW FOR RITE AID SITE, 600 BLOCK WEST MAIN

Director of Planning & Development, Deborah L. Sanborn presented the following staff report recommending that the Planning Commission approve the replat of lot 331, and part of outlots 57 and 58.

- Parcels currently occupied by two commercial structures will be replated to make one parcel on which to construct a new commercial establishment
- In April of 2007 the Louisville Planning Commission approved the site plan for a proposed Rite Aid
- The property owners now proposed to combine parcels 3602198 (lot 331), 3603423 (part outlot 58) and 3604443 (part outlot 57) into one consolidated lot
- Parcel: B-5
- Section 1143.03 of the Louisville Zoning Code states that lots in B-5 zoning districts have no minimum area requirements; requires minimum lot width at building line of 50 ft.; and minimum lot frontage of 50 ft
- The replated lot meets those requirements

MEMBER PHILLIPPI MOVED, MEMBER GROSSWILLER SECONDED, and the Motion carried to approve the replat. The vote: All yea.

PC 07-15 A REQUEST BY LOUISVILLE PLANNING DEPARTMENT TO ESTABLISH ZONING FOR GROFFRE ANNEXATION OF APPROXIMATELY 88.5435 ACRES FROM R-1 (TOWNSHIP) TO I-2 (CITY).

Director of Planning & Development, Deborah L. Sanborn presented the following staff report recommending I-2 zoning for the parcel and forwarding the recommendation to City Council.

EXISTING CONDITION

The subject property is primarily undeveloped land; however, there is some existing industry located along Kathryn Street.

Parcel:	R-2; I-1; and I-2 (Township)
North:	B-3; R-3; and I-1 (Township)
South:	I-2 (Township)
East:	I-1 (Township)
West:	Outside Nimishillen Township zoning unknown at this time

BACKGROUND INFORMATION AND COMMENTS

- The subject property is in the process of being annexed into the City of Louisville
- The subject property, under township zoning, has multiple zoning classifications associated with it. See above zoning section.
- State law requires annexed land remain in the original zoning classification until such time as the City rezones it consistent with the local zoning map
- The land in question is primarily zoned 1-2 general industrial with small areas of I-1 light industrial and R-3 low density multi-family. The area is border to the south and east with industrially zoned and used land

In considering the rezoning of land within the city, there are several factors to examine. First, is there general support for the proposed zoning classification? Is it compatible with the environs, supported by the trend of development or consistent with the city plan? There is little development in the subject area as noted above, the bulk of it is zoned industrial currently and there are some non-conforming uses present in those districts. The subject area along Beck and Kathryn Streets is identified as residential in the future land use map of the *Community Plan* due, in part, to its being platted with residential lots. However the general character of the area as a whole is vacant land and industrial uses. The subject area west of Broadway Avenue is outside the boundaries of the *Plan* and, therefore, potential land uses are not detailed. The *Plan* does identify the area as one of the "preferred annexation areas" as possible of bolstering the city's industrial base.

A second consideration is, does the proposed rezoning further the public interest and not solely the interest of the applicant? When the city entered into annexation of this

land it was with the understanding that it was to be reserved for land uses resulting in job creation in order to diversifying the city's tax base.

A third consideration is, are public services available? A portion of the subject land along Tulane and Kathryn is served by city water and county sewer. Most of the area to the west of Tulane is not currently served by water and sewer services but is identified as a future service area as the need arises. The city's water main runs down West Main Street to Tulane and would have to be extended to serve the area west of Tulane. The *Community Plan* proposes future roads for the area in order to fully utilize the land available for development. Costs associated with installing these public services could be eligible for financial assistance tied to job creation.

City Manager Ault stated there is city water available to the area and the area is served by Stark County sewer.

MEMBER PHILLIPPI MOVED, MEMBER GUIDONE SECONDED, and the Motion carried to recommend to City Council establishing I-2 zoning for the parcel. The vote: All yea.

PC 07-16 SITE PLAN REVIEW FOR PROPOSED WESTWOOD BEVERAGE CENTER REAR PARKING LOT, 800 WEST MAIN

The staff report was presented with the AB 07-10 staff report Director Sanborn stated her concern with the site plan falls to the storm water management. The city engineer is in contact with the storm water designer. There are no storm water lines on that section of main street.

MEMBER PHILLIPPI MOVED, MEMBER GUIDONE SECONDED, and the Motion carried to conditionally approve the site plan depending on the city engineers approval of the storm water management plan. The vote: All yea.

PC 07-17 REQUEST TO REZONE ST JOSEPH CARE CENTER, FROM R-1 SINGLE-FAMILY RESIDENTIAL TO R-3 MEDIUM DENSITY URBAN RESIDENTIAL DISTRICT

Director of Planning & Development, Deborah L. Sanborn presented the following staff report stating the rezoning request from R-1 to R-3 is consistent with the *Community Plan* and recommended the commission vote in favor of this request and forward it on to City Council for consideration.

The subject property is currently a nursing home and assisted care facility

ZONING

Parcel: R-1  
North: R-1  
South: R-3

LAND USE

Nursing home and assisted care  
Residential (City & Township)  
Multi Family Residential

East:	R-1	Residential (City)
West:	R-1	Residential (Township)

- Section 1129.02(b) of the Louisville Zoning Code allows nursing homes as conditionally permitted uses in an R-3 zoning district
- St. Joseph Care Center is an existing use in an R-1 zoning district
- St. Joseph Care Center proposes to construct an addition to their existing complex
- The change in zoning from R-1 to R-3 would accommodate that addition
- The property owned by St. Joseph Care Center is contiguous to an R-3 zoning district to the south
- The *Louisville Community Plan* future land use section identifies the area as institutional. For purposes of master plans nursing homes are frequently considered institutional uses
- In considering the rezoning of land within the city, there are several factors to examine. First, is there general support for the proposed zoning classification? Is it compatible with the environs, supported by the trend of development or consistent with the city plan? *The Louisville Zoning Code conditionally permits nursing homes in R-3 districts. Rezoning this area to R-3 would be consistent with the Community Plan as that document identifies the area as institutional.*
- A second consideration is, does the proposed rezoning further the public interest and not solely the interest of the applicant? *It is in the interest of the city and region as a whole to allow St Joseph Care Center to continue to exist and grow in light of the fact that the numbers of persons expected to need such services is anticipated to expand as the population ages. It is true that rezoning the area will allow the proposed expansion to take place but Planning Commission can monitor expansion at the facility through the conditional use process and site plan review.*
- A third consideration is, are public services available? *All necessary services are in place and extensions would not be necessary.*

MEMBER GROSSWILLER MOVED, MEMBER GUIDONE SECONDED, and the Motion carried to recommend the zone change request from R-1 to R-3 to City Council for their consideration. The vote: All yea.

Having no further business the meeting was adjourned at 8:56 P.M.

Sue Mendenhall  
Deputy City Clerk