

**MINUTES
LOUISVILLE PLANNING COMMISSION
OCTOBER 1, 2007**

Louisville Planning Commission met in regular session with Chairman Campbell presiding. The meeting was called to order at 5:00 P.M.

MEMBERS PRESENT

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

MEMBER ABSENT

John Phillippi

CITY PERSONNEL PRESENT

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

MINUTES OF THE SEPTEMBER 11, 2007 MEETING

MEMBER FERRELL MOVED, MEMBER GROSSWILLER SECONDED, and the Motion carried to approve the Minutes of the September 11, 2007 meeting as presented. The vote: All yea.

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

NEW BUSINESS

**PC 07- 26 REQUEST TO ESTABLISH ZONING FOR THE GOEBEL ANNEXATION,
3888 RAVENNA AVE NE FROM R-1 (TOWNSHIP) TO R-1 SINGLE-FAMILY
RESIDENTIAL (CITY)**

Director of Planning & Development, Deborah L. Sanborn presented the following staff report stating the rezoning request from R-1 (Township) to R-1 (City) is consistent with the *Community Plan* and recommending this request be approved and forward to City Council for consideration.

The subject property is currently a vacant single-family residence.

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ZONING

Parcel: R-1

LAND USE

Residential (Township)

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

- Annexation of the subject property is currently pending with the Stark County Commissioners
- The subject property, under township zoning, is zoned R-1 residential single family
- 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
- Existing land use in Louisville breaks down in the following way:

RESIDENTIAL	66%
COMMERCIAL	4%
OFFICE	1%
INDUSTRIAL	10%

The remaining 19% falls within institutional, recreation and rights-of-way uses

- The future land use section of the *Louisville Community Plan*, completed in 2000, identifies the land as rural residential/low density residential
- In considering the rezoning of land 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? *As indicated above, the Louisville Community Plan supports single family residential uses in this area.*
- A second consideration is does the proposed rezoning further the public interest and not solely the interest of the applicant? *The owner of this property requested water service and entered into an annexation agreement with the city in order to tie into the city's water lines. That agreement requires the owner to annex at such time the city requests. Since that time the owner of the property died and the executor of the estate is pursuing annexation.*
- A third consideration is, are public services available? *The subject land is currently served by city water and but not city sewer. City sewer is available.*

MEMBER GUIDONE MOVED, MEMBER GROSSWILLER SECONDED, and the Motion carried to recommend approval and forward to City Council for consideration. The vote: All yea.

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PC 07-27 REQUEST TO REZONE 329 W MAIN STREET FROM I-1 RESTRICTED INDUSTRIAL DISTRICT TO B-5 GENERAL RETAIL, OFFICE AND MOTORIST SERVICES BUSINESS DISTRICT

Director of Planning & Development, Deborah L. Sanborn presented the following staff report stating the rezoning request from I-1 to B-5 is consistent with the *Community*

Plan and recommended this request be approved and forward to City Council for consideration.

The subject property is currently used for storage.

ZONING

LAND USE

Parcels:	I-1	Storage
North:	I-1	Residence
South:	B-4 & B-5	Retail & Eagle's Facility
East:	I-1	Service Garage
West:	I-1	Retail

- The applicant is requesting a change in zoning from I-1 to B-5 to accommodate office use
- The future land use section of the *Louisville Community Plan*, adopted by Council in 2000, identifies the area along this section of West Main Street as commercial and office. The area is included in a conceptual sketch for downtown redevelopment.
- The applicant proposes to construct a new office building on the site.
- 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? *As stated above the Community Plan identifies this area as commercial and office.*
- A second consideration is does the proposed rezoning further the public interest and not solely the interest of the applicant? *Staff finds that such a rezoning would further the public interest in reinforcing the commercial core of the city. The Community Plan states that infill and redevelopment of commercial areas will update sites and buildings for contemporary businesses and customers and update the mix of businesses. Thus insulating older districts from the negative impacts resulting from construction of competitive new commercial areas.*
- A third consideration is, are public services available? *The site is already served by public water and sewer; therefore, no extensions would be necessary.*

- Examination of the zoning map raises the question of rezoning the entire north side of West Main Street from Beucler Court west to Constitution Avenue to B-5 to be consistent with the surrounding business zoning. Staff considered this direction but determined that because the code update is underway zoning map changes may be proposed and it would be advisable to handle additional changes thorough that process.

Curtis Bates, applicant, stated he wants to construct a building on the existing foundation.

MEMBER GROSSWILLER MOVED, MEMBER GUIDONE SECONDED, and the Motion carried to recommend approval and forward to City Council for consideration. The vote: All yea.

PC 07-28 SIMILAR USE DETERMINATION FOR A CONSTRUCTION & DEMOLITION TRANSFER FACILITY

Director of Planning & Development, Deborah L. Sanborn presented the following staff report finding that the proposed use by nature is not more injurious than others permitted in an I-2 district and through the permitting and monitoring activities of the Stark County Health Department any such effects would be checked and corrected and recommended the Planning Commission determine a construction & demolition transfer use to be consistent with the intent of the I-2 zoning district.

- Staff is requesting Planning Commission determine whether a “construction and demolition (C&D) transfer facility” is similar to the uses permitted in an I-2 zoning district
- Hudson Logistics, Inc. proposes to establish a C&D transfer facility at 3707 Tulane Avenue in the newly annexed (effective October 20, 2007) property owned by Groffre Investments
- The Louisville Zoning Code does not reference C&D transfer facilities in any of the zoning districts
- According to the operations plan submitted by Hudson Logistics to the Stark County Health Department (for permitting purposes), construction and demolition debris will be delivered by rail to the site and transferred with an excavator directly into waiting trucks and transported to an approved waste site (see attached operations plan). In accordance with county regulations, the debris will not be permitted to remain on site for longer than 24 hours.
- According to Nimishillen Township records, an earlier transfer facility was located at this site but ceased operation.
- The I-2 zoning classification is the least restrictive district accommodating uses that inherently have offensive effects and protecting these uses from

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encroachment by residential and commercial districts. Examples of permitted uses include steel processing, foundries, commercial laundries, fuel distribution, warehousing and repair services for machinery and equipment.

- A significant effect of the activities associated with a C&D transfer facility is dust. According to the operations plan, dust suppression will be accomplished by the use of water to mist the debris prior to and during trans-loading. The loaded trucks will be covered to contain debris.
- C&D transfer facilities must secure a permit from Stark County Health Department requiring weekly inspections of the operations to observe the operations and environmental effects.

The I-2 zoning classification protects industrial uses from encroachment by residential and commercial districts allowing operation without imposing offensive or injurious effects on those districts.

MEMBER GROSSWILLER MOVED, MEMBER GUIDONE SECONDED, and the Motion carried to determine a construction & demolition transfer use to be consistent with the intent of the I-2 zoning district. The vote: All yea.

Having no further business the meeting was adjourned at 5:25 P.M.

Respectfully submitted,

Sue Mendenhall
Deputy City Clerk