

CITY OF NORTH CANTON, OHIO

PLANNING COMMISSION

IN RE:)
)
 Planning Commission)
 Meeting)
)
) TRANSCRIPT OF PROCEEDINGS

Transcript of Proceedings before the North Canton
 Planning Commission, taken by the undersigned, Shannon
 Roberts, a Registered Professional Reporter and Notary
 Public in and for the State of Ohio, at the offices of
 North Canton City Hall, 145 North Main Street, North
 Canton, Ohio, on Wednesday, the 11th day of April,
 2018, at 7:00 p.m.

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APPEARANCES:

- Jamie McCleaster
- Eric Dalpiaz
- Peter Volas
- Thomas Serra, Chairman
- Timothy Fox, Director of Law
- Patrick DeOrio, Director of Administration
- John Stigalt, Chief Building Officer

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1 MS. KRENDICK: We are on the record,
2 Chairman.

3 MR. SERRA: Thank you. So the April 11,
4 2018 North Canton Planning Commission
5 meeting, I call the meeting to order.

6 MS. TEIS: Would you like her to call the
7 roll?

8 MR. SERRA: Yes.

9 MS. TEIS: Thank you.

10 MS. KRENDICK: Mr. McCleaster.

11 MR. MCCLEASTER: Here.

12 MS. KRENDICK: Mr. Dalpiaz.

13 MR. DALPIAZ: Here.

14 MS. KRENDICK: Mr. Serra.

15 MR. SERRA: Present.

16 MS. KRENDICK: Mr. Volas.

17 MR. VOLAS: Here.

18 MS. KRENDICK: Mr. Flecktner.

19 MS. TEIS: Mr. Flecktner is unable to
20 attend tonight.

21 MS. KRENDICK: Yes.

22 MR. SERRA: Okay. We don't have meeting
23 minutes for review, so we will pass that part
24 of the -- tonight's business. The first
25 order of -- that's on the agenda is the PC

1 803-18PP. It is a proposed reconfigured plat
2 for development of phase number 8 in the
3 Monticello subdivision, by Artman Engineering
4 Consulting.

5 I myself will have to abstain from
6 this -- from this agenda item. I live in
7 Monticello. So I will ask for a replacement.
8 One of the other members choose to take over
9 the chair?

10 MR. FOX: If there is a motion and a
11 second, roll call vote for the -- to serve as
12 the chair for this one item for Monticello by
13 the chair.

14 MR. MCCLEASTER: I make a motion that
15 Peter Volas would take over as the chair for
16 this one item.

17 MR. DALPIAZ: I'll second that motion.

18 MS. TEIS: Thank you, gentlemen. We'll
19 call roll.

20 MS. KRENDICK: Mr. Dalpiaz.

21 MR. DALPIAZ: Yes.

22 MS. KRENDICK: Mr. McCleaster.

23 MR. MCCLEASTER: Yes.

24 MS. KRENDICK: Mr. Volas.

25 MR. VOLAS: Yes.

1 MS. KRENDICK: Mr. Serra.

2 MR. SERRA: Yes.

3 (Whereupon, Mr. Serra leaves the room.)

4 MR. FOX: Mr. Serra has just left the
5 room.

6 MS. TEIS: At 7:04.

7 MR. VOLAS: So this is a Planning
8 Commission item 803-18PP. Is there anybody
9 here on behalf of the applicant to provide
10 testimony?

11 MR. FOX: Before we begin, sir, for those
12 that wish to -- this is just the plans. This
13 is not --

14 MR. VOLAS: Yes.

15 MR. FOX: I beg your pardon. I was
16 thinking about the conditional use permit. I
17 apologize.

18 MR. AVENI: Hello. I'm Jim Aveni,
19 vice-president of operations of AMC Land
20 Company. We are the developers of
21 Monticello. Back in 19 -- March of '96, when
22 we purchased the land from the Hoover fam --
23 Hoover entity, 20-plus years ago, our plan
24 was to create the finest subdivision in Stark
25 County. And today, Monticello is considered

1 one of the finest community developments in
2 Stark County area. The Monticello
3 subdivision in North Canton, Ohio, where it's
4 finishing up its 7th phase, and at this --
5 the 8th phase is -- with 200 lots already
6 approved and mostly built. And it consists
7 of high-end, single-family homes, an active
8 homeowners association, and recreational area
9 serving the community.

10 Tonight, we are pleased to submit the 8th
11 and final phase, consisting of 12.9 acres of
12 land, with a preliminary site plan of 13
13 estate lots, close to an acre or more a
14 piece. I brought a few of the engineers for
15 questions, if necessary. And I thank you for
16 your consideration.

17 MS. TEIS: Sir, I'm sorry, I missed --

18 MR. AVENI: Yes.

19 MS. TEIS: Could you please state your
20 name for the record and spell it, please?

21 MR. AVENI: Yes. It's Jim Aveni; last
22 name is A-v, as in Victor, e-n-i.

23 MS. TEIS: Thank you very much.

24 MR. AVENI: Questions? Comments?

25 MR. VOLAS: I'll open it up to the board

1 for questions.

2 MR. FOX: For the board members, while
3 you are contemplating the -- the plan, as you
4 can see from the documents that you received,
5 there is a letter here, Artman Engineering,
6 and it's describing requests for two
7 variances.

8 And as you recall, the Planning
9 Commission doesn't have authority to award
10 the variances. So anything that -- if it
11 would be a motion to approve the site plan,
12 one of the contingencies that you'll need to
13 put in there is that it is contingent upon
14 obtaining a favorable review for the two
15 variances that will be described in their
16 letter.

17 MR. VOLAS: Tim, is there -- has that
18 review already been scheduled by the
19 zoning -- Board of Zoning Appeals?

20 MR. FOX: Not that I'm aware of.

21 MR. STIGALT: No.

22 MR. VOLAS: Okay. All right. While we
23 are reviewing that, are there -- do you have
24 any questions at this point?

25 MR. MCCLEASTER: Huh-uh.

1 MR. VOLAS: Is there anybody from the
2 audience that wants to make any comments?
3 Any -- any neighbors, or anybody else?

4 UNIDENTIFIED SPEAKER: We don't know
5 anything.

6 MS. TEIS: John, do you want to make your
7 statements?

8 MR. STIGALT: I was waiting for the chair
9 to ask --

10 MR. VOLAS: John, you want to make some
11 statements?

12 MS. TEIS: Yeah. I'm trying to help.

13 MR. VOLAS: That's okay.

14 MR. STIGALT: Thank you, Mr. Chairman.

15 MR. VOLAS: I'm filling in --

16 MS. TEIS: Right.

17 MR. VOLAS: -- so bear with me.

18 MR. STIGALT: Our engineering department
19 asked me to speak -- have me speak on their
20 behalf, a couple things. One, they are
21 requesting that we can get a 20 foot by 40
22 foot easement near Grassmere Street, where
23 that -- where it dead ends, where there is a
24 gate.

25 That's -- the reason why we are

1 requesting is we have an 8-inch water line in
2 close proximity. And phase 2 has low water
3 pressure; around 35 to 40 psi. So this pump
4 station would help bring it to -- they are
5 trying to target between 65 and 75 psi. So
6 we would ask that we could get an easement
7 for there for that. And also --

8 MR. AVENI: It would be right at the end
9 of Grassmere, right --

10 MR. STIGALT: Right -- yeah, right at
11 that gate.

12 MR. AVENI: Right at the gate?

13 MR. STIGALT: Yeah. On the other side,
14 yeah.

15 And, also, the cul-de-sac that is
16 parallel with the Fieldcrest Estate, where
17 sub lot 249, 248 is --

18 MR. AVENI: Yes.

19 MR. STIGALT: -- requesting a 50-foot
20 right-of-way there to put in a street from --
21 off of that cul-de-sac, to the property line
22 that abuts Fieldcrest in phase 8. It's in
23 our ordinance that those street arrangements
24 shall be approved that prevent future access
25 to adjoining undeveloped property. That's in

1 the subdivision regulations that are -- they
2 have asked me to bring up. And --

3 MR. MCCLEASTER: Between which lots,
4 John?

5 MR. VOLAS: Yeah, I'm lost on that one,
6 John. Where is that?

7 MR. STIGALT: That's in 1107.05, the
8 design standards, number 5, A5.

9 MR. MCCLEASTER: Between which lots are
10 we talking?

11 MR. STIGALT: Oh, we are at the
12 cul-de-sac where lot 248, lot 249, up there.

13 MR. MCCLEASTER: Yeah.

14 MR. STIGALT: Off of that, right where
15 that intersecting sewer is, at that circle --

16 MR. MCCLEASTER: Uh-huh.

17 MR. STIGALT: -- right from there to
18 Fieldcrest.

19 MR. MCCLEASTER: You're talking between
20 248 and 249?

21 MR. STIGALT: Yes. Right at the property
22 line; 25 on each side --

23 MR. MCCLEASTER: Okay.

24 MR. STIGALT: -- to go toward Fieldcrest,
25 dead end at the property line.

1 MR. MCCLEASTER: Okay.

2 MR. VOLAS: John, question: Is Grassmere
3 still in the City of North Canton, or is that
4 Plain Township?

5 MR. STIGALT: I believe it's still -- I
6 believe it's in our city. We got 5 feet --
7 we bought 5 feet of the property, right at
8 the end of this -- lot 240. There is a
9 5-foot strip that the City owns.

10 MR. FOX: And I'll put --

11 MS. TEIS: We are recording. Could we
12 please try to keep noise in the gallery at a
13 minimum? Thank you. I know I passed that
14 out to you, so you could see. But thank you.

15 MR. FOX: I'll -- in the interim here,
16 I -- regarding the easement there that
17 Mr. Stigalt had mentioned for a pump, I
18 believe there -- there is a vacation of an
19 area at the end of -- of Grassmere that
20 occurred in 2003. You are aware of that?

21 MR. AVENI: Yeah. Yeah. No concerns.

22 MR. FOX: All right. I just wanted to
23 make sure you --

24 MR. AVENI: Yes, you own the property; 5
25 foot --

1 MR. FOX: Yeah, I think --

2 MR. AVENI: I think the water line goes
3 right through it.

4 MR. FOX: Sure.

5 MR. AVENI: Maybe if we have to give you
6 a little extra to shift --

7 MR. FOX: I think their intent was that
8 it remain --

9 MR. AVENI: Right.

10 MR. FOX: Keep it in a cul-de-sac.

11 MR. AVENI: City property.

12 MR. FOX: Yeah. Good.

13 MR. AVENI: That would be fine. Okay.

14 MR. STIGALT: And I believe our law
15 director mentioned about a letter for a
16 variance about the length of the cul-de-sac.
17 So you are aware of that.

18 And, also, the Section 1107.05, 5, --
19 excuse me -- E, open space, since you have
20 over 10 acres in that parcel, they are asking
21 to have the ordinance read to have 2.5
22 percent to be dedicated as a public open
23 space, and also 2.5 percent of the gross area
24 to be as open space.

25 The public space is defined as pools,

1 clubhouses, picnic shelter, play equipment,
2 similar features, parking areas, et cetera.
3 Open space is basically just grass area,
4 trees, detention, retention ponds.

5 MR. AVENI: Okay.

6 MR. STIGALT: So those are the issues
7 they asked me to bring up at tonight's
8 meeting.

9 MR. AVENI: Okay. I'll have my engineer
10 come up here and answer some of the
11 questions. Thank you for your time.

12 MS. TEIS: State your name and spell it
13 for the record, Mr. Ashman.

14 MR. ASHMAN: My name is Bryan Ashman.
15 I'm a consulting engineer, on behalf of AMC
16 Land Company.

17 THE REPORTER: I'm sorry. I can't hear
18 you.

19 MR. ASHMAN: My -- hello.

20 MR. VOLAS: Okay. There you go. Thanks,
21 Bryan.

22 MR. ASHMAN: You want me to start that
23 over again?

24 My name is Bryan Ashman. I'm a
25 consultant engineer for AMC Land Company.

1 I'm not the design engineer on the plans, but
2 I'm very familiar with Monticello since its
3 initiation, as I was the design engineer for
4 all other phases. My last name is spelled
5 A-s-h-m-a-n.

6 I'd like to respond to a couple different
7 things. First off, if I can take a step
8 backwards here and ask: I'm confused why
9 zoning would make a determination on a
10 variance request having to do with cul-de-sac
11 length, which is -- to be frank, they don't
12 know that type of information. Zoning
13 usually is looking at residential features,
14 associated with front yards, rear yards, side
15 yard setbacks, things of that nature,
16 signage, things -- I'm just concerned why --
17 why does this have to go through zoning?

18 MR. FOX: Now, you said that you have
19 been working in Monticello since the start?

20 MR. ASHMAN: Since phase 1, yes.

21 MR. FOX: And that was when?

22 MR. ASHMAN: '96.

23 MR. AVENI: '96.

24 MR. FOX: And North Canton's building
25 standards and Zoning Board of Appeals, since

1 1963, is the only body within the City that
2 has the authority to approve variances.
3 During that time, any variances that were
4 requested or -- or --

5 MR. ASHMAN: Then somebody must have
6 dropped the ball, because we have never -- we
7 have never made a submission to zoning for
8 any variances.

9 MR. FOX: I don't know --

10 MR. ASHMAN: Well, yes, we may have --

11 THE REPORTER: Wait. Guys --

12 MR. ASHMAN: Because we did have a couple
13 lots that we were looking for a variance
14 aspect on. But what you are saying is the
15 planning department does not have that
16 authority to be able to --

17 MR. FOX: I believe I spoke with John
18 about that. We -- Mr. Stigalt, and -- and
19 made that request. It seemed -- if you know
20 that you need to go to planning, as well as
21 have a variance approved, it's the chicken or
22 the egg type of thing.

23 But I think if -- if you believe there is
24 going to be a challenge or it's going to be
25 difficult to obtain a variance, and you are

1 not able to obtain the variance, planning
2 can't approve without it. And so you may
3 save a step in getting that resolved.

4 But if you go to the planning first, and
5 your plan is approved contingent upon
6 obtaining the variance, and you don't obtain
7 the variance, then you kind of wasted a step.

8 Mr. Stigalt indicated that he made that
9 clear to one of the representatives, and they
10 were adamant that they wanted to proceed with
11 planning first, and then make -- if it's
12 approved, be contingent upon the variance.

13 MR. ASHMAN: I heard about it, but it was
14 after we had made our submission --

15 MR. FOX: All right.

16 MR. ASHMAN: -- to the City. But I
17 understand. I just am a little amazed at
18 that determination, because I don't feel that
19 the personnel on zoning have the knowledge
20 with respect to the necessities for the
21 review of fire and safety forces,
22 accessibility into the -- and it just seems
23 more of a Planning Commission that is
24 dependent upon the review from fire and
25 safety forces; that would be their

1 determination. But if it isn't, then if we
2 have to go through zoning, we will have to
3 make a submission through zoning.

4 Okay. Now, I'd like to move on. With
5 respect to open space, this is a modification
6 of a previously submitted plan, which had no
7 open space in Monticello Number 8. And,
8 again, this -- this preliminary plan was
9 established back in '96. And we have
10 multiple open space areas throughout the
11 development.

12 Now, whether or not we meet the 2 percent
13 requirement for the whole development, I
14 don't know. But our plan has never
15 represented any open space in the Monticello
16 Number 8 area. And those plans actually went
17 all the way through full engineering design,
18 which was turned into the City of North
19 Canton. We had full roadway, storm drainage,
20 utility services, and everything for
21 Monticello Number 8.

22 It just has been determined that the
23 estate procedures that are being requested
24 here would be better for the marketing of the
25 final development phase. So I'm -- I would

1 ask that we not be required to go for an open
2 space requirement in Monticello Number 8, as
3 this has been, you know, 30 -- well, 20-some
4 years in process, and we have never had
5 Monticello Number 8 with any open space.

6 MR. FOX: That would be an additional
7 request for a variance, if you are going to
8 request something outside of one of our
9 codified ordinances. That -- that's the
10 purpose of the Zoning Board of Appeals.

11 MR. ASHMAN: That one I could see the
12 Board of Zoning Appeals having input into;
13 much more so than --

14 MR. FOX: Good.

15 MR. ASHMAN: -- than the -- the
16 accessibility --

17 MR. FOX: We have an accord.

18 MR. ASHMAN: Okay. With respect to
19 providing an easement for potential future
20 roadway extension to the north into the
21 Fieldcrest property, if that is -- if that is
22 created -- first off, we did not really want
23 to provide an access into Fieldcrest, due to
24 some of the wants and desires of the
25 Fieldcrest owners, developers, and based upon

1 their anticipated future development plans.

2 We don't want -- we don't want
3 commercial, high-intensity, hotel-type
4 scenarios having access coming into
5 Monticello. We don't feel that we should be
6 a secondary means of access for them to come
7 out.

8 And so we would -- if we are forced to
9 put in an easement for future roadway
10 purposes, in my -- I have expressed my
11 concern to the developer that the easement be
12 predicated upon a scenario that a roadway
13 extension would only occur should Fieldcrest
14 be developed in accordance with
15 single-family, residential lots, in
16 accordance with the R-70; no -- no
17 supplemental design aspects. We do not want
18 commercial -- this to be used as a commercial
19 access.

20 I don't know if that would be feasible.
21 But that's what we would be requesting of
22 this board, is a determination that that
23 could be incorporated onto that easement, if
24 it was -- if it is needed.

25 Whether or not Fieldcrest proceeds with

1 all of the plans that they have, I don't
2 know. But it -- it appears they are still
3 trying to proceed with that. And I would ask
4 for a favorable determination on that aspect.

5 I'm not certain if there was another
6 issue that -- I'm going to summarize a couple
7 real quick things. All of the storm water
8 drainage in Monticello Number 8 was designed
9 to go south, down into Monticello Number 7,
10 where there is a large retention basin, which
11 is -- which is in the process now, going to
12 be cleaned out this spring. But that -- that
13 basin there was designed to accommodate all
14 the storm water attenuation, and also the
15 water quality requirements of the Stark Soil
16 and Water Conservation District.

17 So that basin there was designed to
18 accommodate not just Number 7, but Number 8.
19 So we have no storm water management provided
20 on this plan for Number 8, as it has already
21 been constructed.

22 Water -- water, sanitary sewer is
23 available. And I understand -- I was not
24 aware of these problems that -- of the
25 pressure concerns in phase 2. I can -- I can

1 understand that. So if that's needed, we'll
2 provide an easement. So if there is any
3 engineering aspects having to do with some of
4 the past historical aspects -- I'm -- I was
5 the engineer up through Monticello Number 7.

6 I'd like to have Mr. Artman come up, who
7 is the actual engineer for the submission of
8 the plans on Number 8. He may have a couple
9 things to say. But I think he should get --
10 be heard also. And I'll be sitting right
11 back here, ready to answer any other
12 questions.

13 MR. VOLAS: Great. Thank you.

14 MR. ASHMAN: Thank you.

15 MR. VOLAS: Please state your name.

16 MR. ARTMAN: My name is Brent Artman.
17 I'm the design engineer for the project.
18 Last name is A-r-t-m-a-n.

19 I understand you go to the Board of
20 Zoning Appeals with the -- any request for
21 the planning and zoning. However, in the
22 past, I have been involved in projects where
23 if it's a variance from the subdivision
24 regulation --

25 THE REPORTER: I'm sorry. Can you please

1 speak up, so I can hear you better?

2 MR. ARTMAN: I have been involved in
3 projects in the past in other municipalities
4 where if it's a variance to the subdivision
5 regulations, it's a Planning Commission
6 issue. It could be granted by the Planning
7 Commission, which is, you know -- I -- I did
8 have conversations with John concerning
9 the -- the variance, and, obviously, that we
10 were aware of that. That is why I submitted
11 the letter.

12 However, at the same time, you know, I
13 realize the chicken and the egg thing. But,
14 however, wanted to make sure and get feedback
15 on this end of what needed to be done prior
16 to taking that step.

17 MR. FOX: Sure. I have seen it done both
18 ways. It's just a matter of preference for
19 the applicant.

20 MR. ARTMAN: In addition, if there were
21 other items, such as what John brought up
22 with that -- the open space requirement, or
23 something else that wasn't foreseen, then,
24 obviously, we would have to review to be able
25 to determine exactly what variances would be

1 required.

2 At the same time, it would be very easy
3 to go back and look into the subdivision to
4 determine if there was open space, you know,
5 planned with the original phases, and
6 determine what percentage that was. That
7 shouldn't be a problem, based upon the
8 records that are available. And if that
9 variance is required, then that's something
10 we would have to get.

11 However, at the same time, though, you
12 know, the revised plan has much extensity
13 than the original plan. We are ending up
14 with more green space and less homes and less
15 infrastructure within the development than
16 what was originally proposed.

17 One of the major items of the differences
18 here is the fact that we have taken both
19 streets and ended them in a cul-de-sac,
20 rather than having a circular drive that came
21 all the way through, to be able to provide a
22 little bit of exclusivity for those lots, a
23 little bit larger lots and estate lots. And,
24 again, less infrastructure and less -- you
25 know, and more green space on the property.

1 I believe, and correct me if I'm wrong,
2 most of the lots in the original phases were
3 larger, and neighboring lots ended up buying
4 up additional pieces of property to make
5 bigger lots. So, obviously, this was
6 something that -- that was desired in the
7 subdivision, which is the reason why we are
8 going this route.

9 So, you know, obviously, if we can get
10 any type of feedback from the Planning
11 Commission this evening, as far as what --
12 what is needed, or conditional upon approval,
13 being any type of variances that would be
14 required, then that's why we are here this
15 evening.

16 MR. VOLAS: Any questions for Mr. Artman
17 from the Commission?

18 MR. ARTMAN: And one additional; I did
19 have some conversation with Mr. Benekos. I
20 understand he is working for the City and
21 analyzing the water system in here. And he
22 did mention that there may be a requirement
23 for a booster pump. However, he was supposed
24 to get back in contact with me, and I hadn't
25 really worked out any details of the location

1 or anything like that; so --

2 MR. FOX: Mr. Graham now -- Robert Graham
3 is the City's engineer now.

4 MR. ARTMAN: Yes, I understand that.

5 MR. FOX: Oh, okay.

6 MR. ARTMAN: Mr. Benekos actually
7 contacted me directly.

8 MR. FOX: Okay.

9 MR. ARTMAN: Apparently, he is working
10 for the City, with the water department, in
11 this analysis.

12 MR. FOX: Okay.

13 MR. ARTMAN: I know both very well.

14 MR. FOX: I'm sorry. I misunderstood.

15 MR. ARTMAN: No problem.

16 MR. VOLAS: Any further questions for
17 Mr. Artman at this time?

18 If nothing further, I'm going to then --
19 if the applicant is done with all of their
20 comments --

21 MR. ARTMAN: I do have one additional
22 question.

23 MR. VOLAS: That's good.

24 MR. ARTMAN: If we are to grant these
25 right-of-way easements to the adjacent

1 property, then do these streets actually --
2 are they dead end streets at that point? I
3 mean, you are asking me to go get a variance
4 to -- to put a cul-de-sac on the end of a
5 street. But then at the same time, you are
6 asking me to extend the right-of-way easement
7 to the adjacent property. So, I mean, if I'm
8 getting a variance to make it a dead end
9 street, why am I having to pursue a
10 right-of-way variance to be able to extend
11 the street?

12 MR. VOLAS: John?

13 MR. STIGALT: The variance for the
14 cul-de-sac isn't to grant you the cul-de-sac.
15 Because you are permitted to get -- have a
16 cul-de-sac in -- in this phase. It's just
17 not -- cannot be more than 600 feet longer --
18 long, and it's over that.

19 MR. ARTMAN: If I provide you an easement
20 between lot 248 and 249, that cul-de-sac
21 becomes a lot less length.

22 THE REPORTER: "Becomes a lot less" --

23 MR. ARTMAN: A lot -- has a lot less
24 length. And there would be no need for a
25 variance. If there are any law -- any street

1 that we are extending north to the Fieldcrest
2 Estate properties, there would be no need for
3 a variance, because the length of the
4 cul-de-sac would be short enough and would
5 meet the requirements.

6 I'm just saying, in one respect, you are
7 asking me to get a variance, and the other
8 respect, you are asking me to provide a
9 right-of-way easement for future extensions.

10 MR. VOLAS: John, excuse me, is the
11 right-of-way for a road or are you asking it
12 for -- for the utilities, for the sanitary,
13 storm, and water?

14 MR. STIGALT: No. This -- this is for an
15 actual 50-foot wide road heading north off
16 the cul -- off the -- straight into the
17 cul-de-sac to the end of the property of
18 Fieldcrest.

19 MR. VOLAS: Into Fieldcrest?

20 MR. STIGALT: Yeah, it just dead ends
21 right there.

22 MR. VOLAS: And you are asking for the
23 same thing off of -- is that Shiloh Run,
24 going into -- to Grassmere?

25 MR. STIGALT: That is only a 20 by 40

1 foot area.

2 MR. VOLAS: All right.

3 MR. STIGALT: The engineering feels the
4 reason is that cul-de-sac, even with that
5 off-chute street, it's still over 600 feet
6 long to the street of Hal -- Halifax, I
7 believe. It comes off of Halifax.

8 MR. ARTMAN: That's a lot length issue,
9 not a cul-de-sac, but that's fine. That's a
10 lot length issue.

11 MR. STIGALT: That's the engineering's
12 view on that.

13 MR. ARTMAN: It's a different regulation,
14 though.

15 MR. FOX: The zoning board can grant
16 that.

17 MR. ARTMAN: That's fine.

18 MR. STIGALT: As a -- I'm talking from
19 the zoning point, the only thing that zoning
20 would require are some dimensions on the
21 60-foot lots at the cul-de-sacs, that 40-foot
22 towards the inside of the property, that they
23 show at least 70 foot wide. With An R-70,
24 it's 70 foot wide.

25 MR. ARTMAN: At the building line.

1 MR. STIGALT: Yeah, right. So we can
2 just show those. That's the only thing
3 zoning is asking. And that's just -- and it
4 looks like that all can be accomplished.

5 MR. ARTMAN: Yeah, it can be accomplished
6 without any issue.

7 MR. STIGALT: That's the only thing that
8 we looked at.

9 MR. ARTMAN: That's no problem.

10 MR. VOLAS: If there are no more comments
11 from the applicant, I'm going to open it up
12 for the public to make comments.

13 MR. OSBORNE: Chuck Osborne, 307 Fairview
14 Street, Southeast, North Canton, Ohio. I
15 think Mr. Ashman and the Monticello people
16 should be aware that in 2003, there was an
17 entire rewrite of our zoning book. So what
18 you think worked back then may not work now.
19 There was a big, long fight that probably
20 extended the -- the approval of the zoning
21 code all over open space. That probably
22 dragged things out for six months. It was
23 a -- a long ordeal.

24 Something that has stuck in my mind for a
25 long, long time is ingress and egress from

1 the west or the south. I'm sure everybody
2 here is familiar with Monticello. The only
3 way to access it for safety forces is to come
4 all the way down Main Street to 55th, and
5 then all the way east out to 55th to the
6 entrances, and wind your way around.

7 When I was on council back in 2002, 2003,
8 there was opposition by the people in
9 Grassmere to open it up into Monticello. But
10 it's important to look at the bigger picture.
11 And that's the big policy decision that needs
12 to be thought of and not rushed through
13 tonight, is are we going to continue a policy
14 of creating isolated pockets that limit
15 access for not only the residents, but for
16 our safety forces.

17 People coming from the south, if you work
18 in Canton or anywhere, you could come up
19 Cleveland Avenue and come right in to the
20 southwest corner of Monticello, if you lived
21 in that end of Monticello. So I think that
22 needs to be thought about. And, certainly,
23 keeping the lot or space open, so if there is
24 a change in mind-set, connecting either onto
25 Grassmere or to the south, straight into

1 Canton, and I would leave the door open for
2 Monticello, as well.

3 And I would think the owners of
4 Monticello would appreciate that, because it
5 expands their options for what they use the
6 property for. They have tried various
7 venues. This Commission has sat through a
8 lot of it. That owner changes her mind, it
9 could be developed for housing. The city is
10 a veteran community. It's comprised of
11 housing. There is nothing wrong with that.

12 So I think you need to seriously consider
13 leaving your options open for either creating
14 now an ingress/egress from the west or the
15 south there, or at least leaving it open for
16 the future.

17 If police have to rush in there, fire,
18 EMS, it's a shame for them to have to
19 navigate down Main Street, all the way out to
20 55th, come in over there, and then wind their
21 way back, backtracking to that southwest
22 corner of Monticello.

23 And also, I'm sure this Commission won't
24 disagree with me here, I think this
25 Commission looks at more than just individual

1 lots, whether your backyard has an accessory
2 building and how far it's away from the lot
3 line. You look at the big picture, and I
4 think you would agree; you have to look at
5 that ingress and egress for safety forces
6 and -- and everything.

7 So I'm a little dis -- confused as to why
8 a planner would think all you are interested
9 in is how many trees you've put in and if
10 there is enough green space. Your job is
11 much, much more important than that. And I'm
12 sure you would agree. So ingress and egress,
13 either now or in the future. Again, you
14 don't want a -- a thoroughfare, because I
15 live on one.

16 And this Commission did not protect me
17 when they expanded this parking lot over
18 here, and destroyed hundreds and hundreds of
19 trees. And my street serves as a commercial
20 ingress and egress --

21 MR. VOLAS: Mr. Osborne, please stick to
22 the subject matter at hand, please.

23 MR. OSBORNE: Well, I'm drawing a
24 parallel here.

25 MR. VOLAS: I understand, but, you

1 know --

2 MR. OSBORNE: Anybody that goes to the Y
3 comes down my street, practically. All
4 right?

5 MR. VOLAS: Thank you.

6 MR. OSBORNE: Keep in mind our laws and
7 what's good for the community, as far as
8 safety forces. Thank you.

9 MR. VOLAS: Thank you.

10 MR. FOX: For the -- for the board
11 members, for an area variance, one of the
12 criteria to measure and to consider in the
13 totality of this circumstance is -- one of
14 ten is would granting the variance impair the
15 utilization for City services, for police,
16 fire, EMS, and so forth. So the Zoning Board
17 of Appeals will take that under consideration
18 for an area variance.

19 MR. DALPIAZ: And, John, there is a
20 50-foot easement, correct, from Grassmere to
21 the cul-de-sac, proposed cul-de-sac?

22 MR. FOX: In Grassmere, in 2003, there is
23 a portion of that that was vacated. And I
24 think the purpose of that was the property
25 owner there, that abuts the -- the other,

1 wanted to keep it as a cul-de-sac, it
2 appears. And what I can do is -- the
3 gentleman said he was aware of that, but what
4 I can do is get you a copy of that, so you
5 can see. But I think that was the very
6 purpose, is obtaining -- vacating a portion
7 of that to prevent changing -- enjoy living
8 in a cul-de-sac, where, you know, cars
9 weren't traveling straight through. So they
10 mention they are aware of the vacationing, so
11 that might prevent that from going through.
12 Go ahead, Pete.

13 MR. VOLAS: Okay. Any other comments?
14 You have to come up to the podium and make
15 your comments, please. Please state your
16 name again.

17 MR. ARTMAN: Brent Artman. The
18 vacationing he is speaking of, it's actually
19 shown on the map. It's a small -- what I
20 would refer to as a spite strip over by the
21 City of North Canton. That's the vacation.

22 MR. DALPIAZ: The easement --

23 MR. ARTMAN: We are --

24 MR. DALPIAZ: -- is still there --

25 THE REPORTER: Wait. Guys, please, one

1 at a time.

2 MR. DALPIAZ: The easement is still
3 there.

4 MR. ARTMAN: It's actually a parcel owned
5 by the City of North Canton.

6 MR. DALPIAZ: But even through -- but
7 through your property --

8 MR. ARTMAN: We are proposing a 50-foot
9 line --

10 MR. DALPIAZ: You're proposing an
11 easement?

12 MR. ARTMAN: Yes.

13 MR. DALPIAZ: In the future --

14 MR. ARTMAN: Yes.

15 MR. DALPIAZ: -- Grassmere could connect
16 to --

17 MR. ARTMAN: Yes.

18 MR. DALPIAZ: -- Shiloh?

19 MR. ARTMAN: Exactly. Yes.

20 MR. DALPIAZ: If it is deemed necessary,
21 I know that the -- I assume the fire
22 department has reviewed all this. But if
23 City services, fire, police, deemed it
24 necessary that that needed to be connected,
25 and there is a public issue with that not

1 being connected, a safety issue --

2 MR. STIGALT: Yeah, the fire department
3 did -- did look at that, but the -- I'm not
4 sure where this -- this goes next.

5 MR. DALPIAZ: Yeah.

6 MR. ASHMAN: If I could provide just a
7 little bit of information. Bryan Ashman
8 again, please. When we were working on the
9 previous design for Monticello Number 8,
10 which was done at the same time as the design
11 of Monticello Number 7, there was resistance
12 by residents in the area. And they put a lot
13 of pressure on previous engineering, engineer
14 for North Canton. And it was determined that
15 this 5-foot vacation would occur.

16 We were specifically asked to -- at that
17 time, we were specifically asked to provide a
18 50-foot easement over to the end of Grass --
19 to the previous location where Grassmere was
20 at, at our west property line. We were
21 specifically requested to provide that
22 50-foot easement connection should the City
23 ever decide that they want to make that
24 connection.

25 Now, the City owns the vacated portions,

1 not the residents on the north and south
2 sides. So the City could, without any
3 approvals necessary from the adjacent owners,
4 extend this road at their convenience. So we
5 agreed to provide an easement at that time.
6 And because of that promise that we did at
7 that time, we have re-represented that
8 easement as still being something that is
9 proposed. Okay? So we knew that it was
10 important the last time to the previous
11 engineering board that you had. So we felt
12 that we would keep that on there. Okay?
13 Thank you.

14 MR. VOLAS: Thank you. Comments from the
15 audience, please? Please come forward.
16 State your name and address.

17 MR. O'NEILL: My name is Frank O'Neill. I
18 live on 1566 Hillbrook Avenue. And I heard
19 the comment that the storm water drain --
20 drainage provisions in phase 7, I think, were
21 adequate, and there was no further planning
22 for phase 8.

23 So I'm just going to tell you that I'm
24 the beneficiary of the runoff from Monticello
25 development. So each time it rains, I have a

1 river through my property. And I'm in the
2 early stages of developing a grand canyon
3 through my property that way.

4 So it's one of the things that's a
5 personal concern to me, is that the storm
6 water drainage be looked at. Because I don't
7 see it getting any better. And it's -- you
8 know, at this point, I have a valley that is
9 developing the length of my property as the
10 water drains off, and it goes to Hillbrook
11 Avenue, that way. So it's something I want
12 to be looked at.

13 And the other item here is the wooded
14 area. We abut against parcel 247. So if you
15 look at the parcels that abut up against the
16 homes on Hillbrook, it's a wooded area. So
17 it's not just woods. It's a wildlife refuge.
18 All right? There is a lot of wildlife in
19 there.

20 So as we talk about green spaces, you
21 know -- you know, for community development,
22 this is one that the residents in that area
23 take a lot of enjoyment from, of sharing that
24 with wildlife. And the concern is here that
25 that will all disappear. I mean, there are

1 deer, birds, all kinds of wildlife that are
2 in there, and they'll all be displaced by the
3 development there. So there may be a
4 consideration for a strip that still contains
5 that -- that forest area. It's not that big
6 to do that, but it would be something that
7 would be nice for the other residents. It
8 was one of the major attractions for the home
9 for me.

10 MS. TEIS: Sir, would you please spell
11 your name for the record?

12 MR. O'NELL: O'N-e-l-l.

13 MS. TEIS: Thank you.

14 MR. MCCLEASTER: I'm sorry. What road
15 did you say you lived on?

16 MR. O'NELL: Hillbrook.

17 MR. MCCLEASTER: Hillbrook. Okay.

18 MR. O'NELL: So it's the plot that says
19 "Janet Ford" on the map.

20 THE REPORTER: I'm sorry. What --

21 MR. O'NELL: 1566 Hillbrook.

22 THE REPORTER: Thank you.

23 MR. O'NELL: Yeah, to counter some of the
24 runoff, I have had to dig down and cut a hole
25 and a drainage pipe to try to channel some of

1 the runoff over there. It works a little
2 bit, but we could do better.

3 MR. VOLAS: Any further comments from the
4 audience?

5 MR. BLATE: Good evening. My name is
6 Greg Blate. Last name is B-l-a-t-e. I live
7 at 1351 Shiloh Run, which is in phase 7 of
8 Monticello. My property is actually on the
9 edge of phase 7 and what is being proposed as
10 phase 8 of Monticello. I built my home in
11 2009. I'm an active member of the Monticello
12 community, and I'm a board member in
13 Monticello, as well.

14 As part of my role as a board member and
15 an active member of the community, I have
16 discussions on a regular basis with the
17 residents of Monticello, many of which --
18 some of which are here tonight. And I'd like
19 to make a statement that I actually disagree
20 with the statement that was made earlier that
21 the residents of Monticello would enjoy and
22 would like to have an additional street as an
23 ingress or egress into the development.

24 Monticello was planned as a two-street
25 ingress and egress community. When we made

1 our investment there, that was our
2 understanding of what that development would
3 look like. And, candidly, our expectation is
4 that it would stay the same.

5 We understand that in phase 8, there have
6 been some changes as to the size of the lots.
7 I'm one of the individuals that had to buy
8 two lots in order to get a larger lot, so I
9 could build the home that I wanted to build.
10 So I fully support the idea of the developer
11 putting lot sizes together that can
12 accommodate the homes that people are looking
13 to build. And I understand also with that,
14 that it may change the layout of the streets
15 somewhat.

16 But generally speaking, certainly myself,
17 and individuals that have spoken to me about
18 it, there would be a significant concern if
19 part of the change to the plan that we all
20 understood to exist would be additional roads
21 coming in or going out of -- out of the
22 development, particularly into Fieldcrest, as
23 well.

24 So I wanted to share that perspective
25 with you tonight. I know there are other

1 members here of the community that may have a
2 similar opinion. But I can also tell you
3 that, as a board member, I get calls on a
4 very regular basis from the homeowners asking
5 what's happening with phase 8, asking what's
6 happening with our community. There is
7 uncertainty with respect to what is happening
8 with Fieldcrest. Generally, I think people
9 are happy with the direction that may be
10 going, as well. But certainly phase 8 has
11 been that unknown in our community for a very
12 long period of time.

13 So we are happy to see that progress is
14 being made in getting that completed, but as
15 part of that, there is an expectation, too,
16 that it is going to be completed consistent
17 with how it was originally explained to all
18 of us and what was shown to us and what the
19 City had approved at some point in time. So
20 I would offer that tonight to you for your
21 consideration. Thank you.

22 MR. VOLAS: Mr. Blate, just for a point
23 of clarification. You are speaking on behalf
24 of you yourself as an individual and the
25 owner of the property, not as a

1 representative of the homeowners association?

2 MR. BLATE: That's correct.

3 MR. VOLAS: To get feedback --

4 MR. BLATE: My point in mentioning I was
5 a member of the board -- yes, I wanted to let
6 you know I was here as the capacity of a
7 resident. My point in mentioning that I'm a
8 board member is that you understood I was
9 active in our community, and that I'm --
10 because of that role, I hear lots from
11 homeowners that live in our development. And
12 I can tell you that there has been not one
13 instance of any homeowner coming to me
14 saying, boy, it would be great if we can get
15 another road into the back of -- into the
16 back of Monticello.

17 I have had the unfortunate need to have
18 to contact the police and have them come to
19 my house. I can also tell you that I was
20 very happy with their response time. And I
21 have never heard from any police or any --
22 any officials that needed to get back there
23 that they had any issues or concerns with how
24 they were getting back into the community.

25 MR. VOLAS: Thank you.

1 MR. BLATE: Thank you.

2 MS. DALE: Hi. I'm Sally Dale, owner of
3 Fieldcrest --

4 THE REPORTER: I'm sorry. You're going
5 to have to speak into the microphone.

6 MS. DALE: I'm Sally Dale, owner of
7 Fieldcrest, at 1346 Easthill Street. I want
8 to say we have no interest in a road going to
9 the back of Fieldcrest. It serves no
10 purpose. I'm not understanding why you would
11 want that for anyone. I have not heard
12 anybody has an interest on either side. And
13 for all of the 14 years I have owned the
14 property, I, too, am well aware that
15 Monticello has no interest in another access
16 point back there. And I think it should be
17 left as it is.

18 MR. VOLAS: Sir.

19 MR. SABOTA: Good evening, everyone. My
20 name is Robert Sabota, S-a-b-o-t-a, one of
21 the original owners of a lot in phase 2, the
22 first one on Pilgrim's Knob, Southeast. My
23 wife and I moved there with our family in
24 1998. We also echo Mr. Blate's position,
25 that we have no interest in building another

1 access point at Grassmere. We have raised
2 children and now have grandchildren at home,
3 and feel that the privacy is paramount to the
4 neighborhood. Thank you.

5 MR. VOLAS: Have we heard from all the
6 other residents in the community? We can now
7 open it up to take comments from the
8 Commission.

9 I'm just -- just one -- one comment, Tim,
10 just for the Commission's benefit: The
11 Fieldcrest application for zoning is still
12 unresolved, right.

13 MR. FOX: Correct.

14 MR. VOLAS: I just wanted to make sure I
15 understood that.

16 Any questions?

17 MR. DALPIAZ: I don't think so.

18 MR. MCCLEASTER: No.

19 MR. VOLAS: Jamie, anything?

20 MR. MCCLEASTER: No.

21 MR. VOLAS: All right. At this point, I
22 do want to -- I do want to bring up an issue
23 to the applicants. So Mr. Aveni, there are
24 five members of this Commission; two are not
25 able to vote. So in order for this to pass,

1 you need 100 percent of our approval.

2 So at this point, I want to ask a
3 question. Do you want to proceed with a
4 motion and a vote, or do you want to table
5 this until some of these questions or issues
6 can be either further investigated or
7 resolved or modified?

8 MR. AVENI: One moment, please.

9 MR. VOLAS: Yeah.

10 MR. AVENI: The absence of the members,
11 that won't change -- that won't change in a
12 different meeting? It's -- there --

13 MR. VOLAS: There may be --

14 MR. AVENI: They'll recuse themselves,
15 or --

16 MR. ASHMAN: You had one recuse himself.

17 MR. VOLAS: We had -- yeah, one -- Tom
18 recused himself, Mr. Serra recused himself,
19 and then our chair is not here tonight.
20 So -- he wasn't able to make it, so -- so
21 that leaves the three of us.

22 MR. ASHMAN: So you have four that could
23 vote on it?

24 MR. VOLAS: Right. Right.

25 MR. AVENI: Okay.

1 MR. ASHMAN: The best --

2 MR. VOLAS: Speak into the microphone,
3 please, Bryan.

4 MR. ASHMAN: Bryan Ashman. The best you
5 can do -- let's say, the best we could expect
6 from this board tonight is maybe a contingent
7 acceptance based upon the zoning board,
8 right?

9 MR. VOLAS: Uh-huh. That's correct.
10 Tim, is that --

11 MR. FOX: Yes.

12 MR. VOLAS: Would you confer with that?

13 MR. FOX: Yes. Yes.

14 MR. ASHMAN: Give me one minute, please.

15 MR. AVENI: All right. Based on the
16 situation that it could be remedied at a
17 following meeting, we choose to not request
18 the decision at this time, and ask for a
19 continuance. But to -- the next meeting,
20 we'll -- we'll investigate further on the
21 items brought up by John, with engineering,
22 specifically, and also review the concepts
23 involved with these -- going to the zoning
24 committee and what that will entail, and try
25 to un-confuse ourselves to -- if I add a road

1 to the piece, do I need the variance for the
2 cul-de-sac; if I get the variance for the
3 cul-de-sac, do I need my additions to the
4 road?

5 MR. VOLAS: Something like that.

6 MR. AVENI: Right now, you are kind of
7 doing this (indicating) on me.

8 MR. VOLAS: Got it.

9 MR. AVENI: I'm sure you guys understand
10 that. Okay? Thank you very much.

11 MR. VOLAS: Thanks. Thanks, Mr. Aveni.
12 I appreciate that.

13 So at this point, we can -- should we
14 make a motion to table the application?

15 MR. FOX: Yes.

16 MR. MCCLEASTER: I'll make a motion that
17 we table PC 803-18PP --

18 THE REPORTER: I'm sorry. Say that
19 again. I can't hear.

20 MR. MCCLEASTER: I would like to make a
21 motion that we table PC 803-18PP, which is
22 the proposed reconfiguration for plat for
23 development phase 8 for Monticello.

24 MR. DALPIAZ: I'll second that motion.

25 MR. VOLAS: Comments?

1 Roll call.

2 MS. KRENDICK: Mr. Volas.

3 MR. VOLAS: Yes.

4 MS. KRENDICK: Mr. Dalpiaz.

5 MR. DALPIAZ: Yes.

6 MS. KRENDICK: Mr. McCleaster.

7 MR. MCCLEASTER: Yes.

8 MS. TEIS: The motion passes to table the

9 item.

10 MR. VOLAS: Yes, Mr. Ashman.

11 MR. ASHMAN: Can I -- I just want to --

12 MR. VOLAS: We'll transition to the next

13 item. So I'm going to relinquish the chair

14 back to Mr. Serra, so we can proceed with the

15 balance of our agenda. Thank you.

16 (Whereupon, Mr. Serra re-enters the

17 room.)

18 MR. SERRA: So the next item on our

19 agenda is a public hearing for application PC

20 804-18SP/CU, conditional use and site plan

21 for a business development with a drive-up,

22 pick-up window at 1510 North Main Street, is

23 the proposed shell building address.

24 MS. TEIS: Mr. Chairman, could we hold

25 firm on that? Thank you.

1 If there is conversation, could you
2 please -- if it's not regarding this item, if
3 you could please take it outside of the
4 chambers. Thank you.

5 MR. SERRA: Thanks, Linda.

6 MS. TEIS: Site plan.

7 MR. FOX: This is the conditional use for
8 the --

9 MS. TEIS: Right, the conditional use.

10 MR. FOX: Right.

11 MS. TEIS: So those two items --

12 MR. FOX: We tend to take them together.

13 MR. SERRA: So is there someone here
14 representing the development?

15 MR. FOX: Mr. Chairman, because the
16 conditional use permit is involved in this
17 and it's actually an adjudication hearing,
18 for those that wish to offer evidence, the
19 clerk will ask you to stand and -- and be
20 sworn in. If you are represented by counsel,
21 counsel, as an officer of the court, is
22 always presumed to be under oath. So they
23 are not required to swear in.

24 MS. TEIS: So at this time, anyone who
25 might wish to speak on behalf of the site,

1 just repeat after me.

2 MR. FOX: Please -- please stand and
3 raise your right hand.

4 (Whereupon, all participants were sworn.)

5 MS. TEIS: Thank you, gentlemen.

6 MR. SERRA: Thank you.

7 MR. ALBRECHT: Good evening. My name is
8 Joe Albrecht, A-l-b-r-e-c-h-t. I'm the
9 vice-president of retail properties for
10 Albrecht, Incorporated. We own North Canton
11 Plaza. We are excited about this project,
12 adding 7,500 square feet of a small shop,
13 retail and restaurant space to North Canton
14 Plaza.

15 Last year, we started with a facade
16 renovation, an exterior --

17 THE REPORTER: I'm sorry. Can you please
18 speak up?

19 MR. ALBRECHT: Last year, we started with
20 a facade renovation, an exterior renovation
21 of the parking lot and the facade of the
22 building. We think it looks great, and we
23 are excited to continue the improvements at
24 North Canton Plaza.

25 MR. WHITE: Hello. My name is Robert

1 White, W-h-i-t-e. I'm the architect for the
2 project. The project consists of a new 7,500
3 square foot mixed retail building, with 38
4 additional parking spaces to satisfy the
5 additional square footage of the building.

6 What we propose to do is -- if you refer
7 to sheet C101, we propose to tear down the
8 existing drive-through that was part of the
9 old First Merit Bank, and the landscaping
10 islands associated with that. We are going
11 to install new -- we are going to install
12 new -- additional 90-degree parking between
13 the existing Acme's north entrance and our
14 new building. The new building is -- is
15 directly to the north of the Acme. It will
16 have -- it's -- it -- the building and its
17 associated parking will be behind the drive
18 lane that goes across the front of the
19 building.

20 The other item that we propose is a new
21 drive-up lane and pick-up window for the
22 tenant at the north end of the project.

23 We plan to re-stripe the rear portion of
24 the parking lot behind the new building with
25 90-degree parking. That allows us to pick up

1 parking that we were losing because of the
2 building.

3 We are going to maintain the existing
4 lighting and delivery access -- the existing
5 parking lot lighting, and we are going to
6 maintain the existing delivery access to the
7 Acme and the other tenants down through the
8 plaza.

9 Separating the new drive-up lane and the
10 parking on the north side of the building is
11 a -- is a proposed landscaping island, with
12 trees and shrubs, as per planning guidelines.
13 And then we plan to re-landscape the existing
14 portion of what we call the old Acme patio,
15 just to the north of their entrance, with new
16 grass and trees.

17 The building itself is very much like --
18 same materials that were used -- that we used
19 on the south end of the facade renovation
20 last year. It's just Dryvit, stone veneer,
21 and glass storefronts. So it's a nice
22 complement to the rest of the plaza and then
23 fills -- you know, we are basically trading
24 parking lot for new building.

25 So if you have any questions --

1 MR. SERRA: So if we look at the required
2 off-street parking spaces --

3 MR. WHITE: Yes.

4 MR. SERRA: -- and we look at -- in our
5 table 11 -- or schedule 1153.04, we are
6 looking at this as a retail bank and service
7 establishment, which would require one space
8 per 200 square feet.

9 MR. WHITE: That is correct.

10 MR. SERRA: Okay.

11 MR. WHITE: And if you take 7,500 and
12 divide it by 200, you need 38 additional
13 cars.

14 MR. SERRA: So you are meeting that
15 requirement.

16 MR. WHITE: We are meeting that
17 requirement. Originally, this -- this
18 parking lot was installed in 1999, and then
19 again renovated in 2002. And we appeared in
20 front of the Planning Commission, and
21 everything we did was approved. Now, the one
22 thing that has changed is the street widening
23 has removed all our landscaping that we had
24 originally along the street scape.

25 MR. SERRA: Any comments by the

1 commissioners?

2 MR. MCCLEASTER: I have a couple
3 questions about what I see noted here on the
4 parking. What are the sizes of those parking
5 spaces and the aisles in between?

6 MR. WHITE: The new parking spaces -- the
7 new striped parking spaces are 10 by 19, and
8 the drive aisles are 25 feet wide.

9 MR. SERRA: Anything further?

10 MR. FOX: I believe Mr. Stigalt has a
11 couple items.

12 MR. STIGALT: Thank you, Mr. Chairman.
13 The -- going back to the parking spaces.

14 MR. WHITE: Uh-huh.

15 MR. STIGALT: In our code, they are
16 required to be 10 foot by 20, interior
17 dimensions.

18 MR. WHITE: Okay.

19 MR. STIGALT: So I don't know how --

20 MR. WHITE: We can make them 10 by 20.
21 That's not a problem.

22 MR. STIGALT: That's -- that's interior,
23 from --

24 MR. WHITE: Correct.

25 MR. STIGALT: -- from interior line to

1 interior line.

2 MR. WHITE: Right.

3 MR. STIGALT: We -- we also require any
4 new lighting on the building to be a full
5 cutoff.

6 MR. WHITE: As part of our submittal, we
7 have a photometric study. We -- we are
8 adding five new pole lights in front of the
9 building, similar to the pole lights that we
10 installed on the south end. And the average
11 foot candle rating is 4.8. And if you look
12 at that drawing, the cutoff of those fixtures
13 stops way before the property line.

14 MR. STIGALT: But the fixtures
15 themselves, are they full cut-off fixtures?

16 MR. WHITE: Yeah, they are actually
17 reversed type fixtures. You don't even see
18 the -- the light.

19 MR. STIGALT: Okay. We would just need a
20 cut sheet on that --

21 MR. WHITE: They are -- they are the same
22 fixture that we installed last year on the
23 south retail portion of the site. I can
24 provide additional cut sheets.

25 MR. STIGALT: On the -- for your

1 accessible parking, on the south side --

2 MR. WHITE: Uh-huh.

3 MR. STIGALT: -- the building code
4 requires the parking to be the shortest
5 distance to the entrances to the tenant
6 suites, so that would make it to the front.

7 MR. WHITE: We feel that the location of
8 these parking spaces meets that requirement.
9 If I put the parking spaces at the other end
10 of the -- the building, the travel distance
11 to the nearest suite is the same as if it is
12 at this end of the building, and the travel
13 distance to the farthest suite is the same as
14 if it was at the other end. So --

15 MR. STIGALT: So --

16 MR. WHITE: -- we are comfortable -- we
17 feel we meet that ADA requirement for those
18 parking spaces to be up next to the building.

19 MR. DALPIAZ: And I don't think that's --
20 I don't think it's our -- under our umbrella
21 to approve or deny that, or suggest they move
22 that. That is merely up to the building
23 official.

24 I have run into this issue myself on
25 projects, and that is a determination by the

1 building official, when they review the
2 documents.

3 MR. WHITE: And to be -- you know, part
4 of the reason why I put them there is they
5 are off the main drive lane. You know, the
6 main drive lane is busy. Somebody getting
7 out of their car and having to -- to be able
8 to get over to the ramp to get up over the
9 curb becomes cumbersome. So having them on a
10 side lane, in my opinion and my experience,
11 is more effective for that type of user.

12 MR. FOX: Perhaps the vast amount of your
13 customers aren't going to be going through
14 the drive-through lane or use the opportunity
15 for the home delivery. There are probably
16 not that many that you contemplate ordering
17 and pick-up at the store.

18 MR. WHITE: Yeah --

19 MR. MCCLEASTER: And --

20 MR. WHITE: -- you know, handi -- and
21 handicap spaces aren't just for people who
22 are in wheelchairs.

23 MR. FOX: Yes.

24 MR. WHITE: My wife, who has limited
25 mobility, has a handicap plaque for her car.

1 MR. FOX: Yes.

2 MR. WHITE: So I understand the concerns.

3 MR. SERRA: Anything else, John?

4 MR. STIGALT: Would it be appropriate to
5 talk about the waiting area now, the waiting
6 drive-through area?

7 MR. FOX: Oh, right. The -- because
8 there is the drive-through portion, there is
9 a requirement. It's 1153.09, that in
10 addition to the one per 200 square feet, that
11 there are eight additional waiting spaces.

12 MR. WHITE: Eight additional waiting
13 spaces for?

14 MR. FOX: Yes, sir. It's 1153.09.

15 MR. WHITE: Okay.

16 MR. FOX: I believe you still cover that
17 with the number of spaces. So it has -- so
18 it would bring it to 46. I believe you still
19 cover it --

20 MR. VOLAS: Tim, are those parking spaces
21 or is it waiting spaces?

22 MR. FOX: Well, they are waiting spaces.

23 MR. MCCLEASTER: You mean stacking for
24 the drive-through?

25 MR. VOLAS: Stacking for the

1 drive-through?

2 MR. MCCLEASTER: Do we look at these
3 differently, because I think --

4 MR. FOX: Well, I think what we did --
5 and I think you are getting to -- for --

6 MR. MCCLEASTER: For Starbucks.

7 MR. FOX: -- for the Starbucks --

8 MR. WHITE: This is --

9 MR. FOX: -- waiting spaces.

10 MR. WHITE: This is --

11 MR. FOX: It would still cover it.

12 MR. WHITE: -- not a drive-through. This
13 is a pick-up window.

14 MR. FOX: Right.

15 MR. WHITE: So you order online and then
16 you come and pick it up. You don't order on
17 a menu board and then wait --

18 MR. FOX: Yes, sir.

19 MR. WHITE: -- for your order. So it's a
20 little different than a drive-through.

21 MR. FOX: Yeah, you are correct, they are
22 not parking, but waiting spaces, and through
23 the dimensions of the drive-through, it
24 covers it.

25 MR. MCCLEASTER: Actually, I think to

1 Mr. White's point, we -- you still are
2 required to have those eight spaces, even
3 though you are not physically ordering there,
4 you are merely picking up.

5 MR. FOX: Well, for the -- for the
6 waiting spaces, you can use, if you do the
7 dimensions, like, for -- for the
8 drive-through where the cars can --

9 MR. MCCLEASTER: Right.

10 MR. FOX: -- loop around.

11 MR. MCCLEASTER: So --

12 MR. FOX: That would cover it.

13 MR. MCCLEASTER: So this -- technically,
14 he would have it, because you can wrap it
15 around the back of the building?

16 MR. FOX: Yes.

17 MR. MCCLEASTER: Okay.

18 MR. WHITE: Okay. Okay. So we'll --
19 when we do our submittal, our building
20 department submittal, we'll show those on our
21 plan.

22 MR. FOX: Yes, sir.

23 MR. WHITE: Okay.

24 MR. STIGALT: That's all I have,
25 Mr. Chairman.

1 MR. SERRA: Thank you. The fire
2 department did give you a copy, I think in
3 front of you. And one item said they wanted
4 maintaining access for fire apparatus during
5 construction --

6 MR. WHITE: Uh-huh.

7 MR. SERRA: -- shall be maintained.

8 MR. WHITE: Yeah, that's no problem. We
9 need to maintain access to the -- to the
10 delivery docks, too. So we can accommodate
11 that with -- with no difficulty, as well as
12 establishing the drive lane behind the
13 building as a fire lane.

14 MR. SERRA: Fire lane.

15 MR. WHITE: Right.

16 MR. DEORIO: Mr. Chairman, may I ask a
17 question?

18 MR. SERRA: Sure.

19 MR. DEORIO: Just for clarification, on
20 the pick-up lane, what direction are the cars
21 going when they are pulling into the pick-up
22 lane, based on the schematics that you
23 submitted?

24 MR. WHITE: What -- what they will do is
25 they will -- they will come down this drive

1 lane, come down this drive lane, or actually
2 go around the building. They need to go
3 around the island and then head to the west.
4 Because, normally, the driver is on the
5 pick-up side. So that's -- that's our
6 proposal.

7 MR. DEORIO: Thank you.

8 Thank you, Mr. Chairman.

9 MR. SERRA: Okay. I just want to -- if
10 there are no other questions, I want to turn
11 this over to anyone in the audience.

12 Chuck, you were sworn in.

13 MR. OSBORNE: Chuck Osborne, 307 Fairview
14 Street, Southeast, North Canton, Ohio. I
15 have sat here in the front row, and I have no
16 idea what this is about. This is a public
17 hearing. Why don't we make an effort to put
18 a stand up here and display what's going on?
19 You have people here in the audience, the
20 public. What are we talking about here?

21 MS. TEIS: I put one out there, sir, out
22 on the -- so people could go out and
23 access --

24 MR. OSBORNE: Well, I didn't see it when
25 I was coming in.

1 MS. TEIS: Sorry. And I wanted to
2 mention it before --

3 MR. OSBORNE: I brought this up at the
4 last Planning Commission meeting, that the
5 public, if you expect input from them, needs
6 to understand a little bit of what's going
7 on.

8 MR. SERRA: We'd be more than glad to
9 show you, if you would like to sit down.

10 MR. OSBORNE: Okay. That would be great.
11 And the staff should prepare for this for
12 each meeting, have it up here, so --

13 MR. FOX: Your opportunity here is to
14 offer any evidence that you wish to present
15 to this board for or against this conditional
16 use permit.

17 MR. OSBORNE: And I can't do that,
18 because I don't know what -- what this is
19 about.

20 MR. FOX: Well, then you should sit down.

21 MR. OSBORNE: Are you for real?

22 MR. FOX: This is a judicial hearing.
23 You are here to offer --

24 MR. OSBORNE: Am I supposed to shake in
25 my boots here? This is a public hearing --

1 MR. FOX: You are offering an opinion.

2 MR. OSBORNE: You are talking over me.

3 The lady can't transcribe. This is a public
4 hearing --

5 MR. FOX: This is not a public hearing.

6 MR. OSBORNE: To show the public
7 hearing -- I thought it said it was a public
8 hearing.

9 MR. FOX: It is not a public hearing. It
10 is an adjudication hearing.

11 MR. OSBORNE: Do you have an agenda for
12 me to look at? I thought it said public
13 hearing.

14 MR. FOX: You raised your right hand and
15 are under oath, subject to cross-examination.

16 MS. DALE: Just so you know, it was put
17 out as a public hearing.

18 MR. OSBORNE: It says public hearing on
19 the agenda, Mr. Fox.

20 MR. FOX: It's an adjudication hearing.

21 MR. OSBORNE: So did our clerk --

22 MR. FOX: Perhaps.

23 MR. OSBORNE: -- make a mistake here?

24 MR. FOX: Perhaps.

25 MR. OSBORNE: I'll sit down, Mr. Serra.

1 MR. FOX: But we're not going to make a
2 mistake here.

3 MR. OSBORNE: And if somebody could turn
4 this around and show the public --

5 MR. FOX: If you have evidence to offer,
6 this is your opportunity.

7 MR. OSBORNE: Public hearing, for the
8 public.

9 MR. FOX: That doesn't convert it from an
10 adjudication hearing.

11 MR. SERRA: Just so that the people that
12 are in the audience can understand, I would
13 like them to come up, turn around, and just
14 quickly go over it again. Do you mind?

15 MR. WHITE: Uh-huh. We propose to tear
16 off the old bank drive-through and drive-up
17 teller lanes and the associated landscaping
18 islands, and re-stripe the north side of this
19 parking lot. In place of the drive-through,
20 we are going -- we are proposing a new mixed
21 retail, 7,500 square foot building, with a
22 drive-up, pick-up window at the north end,
23 parking in front, and then re-striped parking
24 in the rear.

25 Existing parking lot lighting is to

1 remain. Landscaping is in place, and the new
2 island and the revised area next to the Acme.
3 Okay?

4 MS. DALE: Thank you.

5 MR. OSBORNE: How would you circle that
6 building? From the north side and come
7 around and --

8 MR. WHITE: Circle the building for what,
9 sir?

10 MR. OSBORNE: Where is the drive-up
11 window?

12 MR. WHITE: Drive-up window is right
13 here. So somebody could come down this drive
14 lane and go around and stack up, if they have
15 to stack up, and pick up their -- their item.
16 Or they can come down this way and drive
17 around, or they could come down this way and
18 drive around.

19 MR. OSBORNE: Thank you.

20 MR. WHITE: Okay.

21 MR. SERRA: Thank you, Mr. White. Now, I
22 want to open it back up to the audience. Is
23 there anyone else that would like to comment
24 on this?

25 Thank you. Any further questions by the

1 commissioners?

2 MR. VOLAS: Question: So just for the
3 owners, what is the current occupancy of the
4 rest of the shopping center that would
5 promote more development?

6 THE REPORTER: Can you just state your
7 name again, please?

8 MR. ALBRECHT: Yes. Joe Albrecht,
9 A-l-b-r-e-c-h-t, vice-president of retail
10 properties for Albrecht, Incorporated. If
11 you could restate the question, I just --

12 MR. VOLAS: I just want to understand
13 what's the current occupancy of the existing
14 shopping center.

15 MR. ALBRECHT: The current occupancy, I
16 don't have the exact number with me, but I
17 estimate it at about 95 percent.

18 MR. VOLAS: Okay. On the plan, where is
19 the vacant unit?

20 MR. ALBRECHT: The vacant unit is the
21 former Radio Shack space.

22 MR. VOLAS: Okay. Thank you.

23 MR. WHITE: Right here, the corner.
24 Before we flip around to the other rental --
25 along the rental range.

1 MR. VOLAS: Thank you. Okay.

2 MR. SERRA: Any further questions?

3 Do I hear a motion?

4 MR. MCCLEASTER: I make a -- actually,
5 are we approving the conditional use or the
6 site plan?

7 MR. FOX: You want to do those
8 individually.

9 MR. MCCLEASTER: Do them individually?

10 MR. FOX: Just --

11 MR. MCCLEASTER: Okay. So I make a
12 motion that we approve the site plan as
13 presented.

14 MR. VOLAS: I'll second it.

15 MS. TEIS: That was you, Mr. Volas?

16 MR. VOLAS: Yes.

17 MS. TEIS: Thank you.

18 MR. DALPIAZ: One comment, the 10 by 20
19 parking spots. I want to make sure that gets
20 in there.

21 MR. VOLAS: That's a good point.

22 MR. SERRA: Do you want --

23 MR. MCCLEASTER: Tom, I will restate my
24 motion. Good catch, Mr. Dalpiaz. I make a
25 motion that we approve, while making them the

1 10 by 20 parking spaces that are required by
2 code.

3 MR. VOLAS: I will again second that.

4 MS. TEIS: Thank you, gentlemen.

5 MR. SERRA: A motion has been made for
6 the site plan and has been seconded. Do I
7 hear a roll call?

8 MS. KRENDICK: Mr. Dalpiaz.

9 MR. DALPIAZ: Yes.

10 MS. KRENDICK: Mr. Volas.

11 MR. VOLAS: Yes.

12 MS. KRENDICK: Mr. McCleaster.

13 MR. MCCLEASTER: Yes.

14 MS. KRENDICK: Mr. Serra.

15 MR. SERRA: Yes.

16 Okay. Then now we are looking at the
17 conditional use. Is there a motion?

18 MR. MCCLEASTER: I will again make a
19 motion. I'll make a motion that we approve
20 the conditional use for the pick-up window
21 for this -- or as submitted.

22 MR. DALPIAZ: I'll second that motion.

23 MR. SERRA: Roll call, please.

24 MS. KRENDICK: Mr. Volas.

25 MR. VOLAS: Yes.

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MS. KRENDICK: Mr. McCleaster.

MR. MCCLEASTER: Yes.

MS. KRENDICK: Mr. Dalpiaz.

MR. DALPIAZ: Yes.

MS. KRENDICK: Mr. Serra.

MR. SERRA: Yes.

Okay. So I believe that ends our April
11th meeting. So I'll ask for a motion to
adjourn.

MR. DALPIAZ: I'll make a motion to
adjourn.

MR. MCCLEASTER: Seconded.

MR. SERRA: All in favor.

MR. VOLAS: Aye.

MR. DALPIAZ: Aye.

(This proceeding concluded at 8:33 p.m.)

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