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CITY OF NORTH CANTON, OHIO

IN RE:)
)
 PLANNING COMMISSION)
)
) **TRANSCRIPT OF PROCEEDINGS**
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Transcript of Proceedings held 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 5th day
of September, 2018, at 7:00 p.m.

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APPEARANCES:

- J. Dennis Flechtner, Chairman
- Tom Serra, Member
- Peter Volas, Member
- Jamie McCleaster, Member
- Timothy Fox, Director of Law
- Patrick DeOrio, Director of Administration
- John Stigalt, Chief Building Officer
- Rob Graham, City Engineer
- Angela Krendick

1 MR. FLECHTNER: I'll call the meeting to
2 order.
3 Roll call, please.
4 MS. KRENDICK: Mr. Flechtner.
5 MR. FLECHTNER: Here.
6 MS. KRENDICK: Mr. Volas.
7 MR. VOLAS: Here.
8 MS. KRENDICK: Mr. Serra.
9 MR. SERRA: Here.
10 MS. KRENDICK: Mr. McCleaster.
11 MR. MCCLEASTER: Here.
12 MS. KRENDICK: And let it be noted,
13 Mr. Dalpiaz is absent. Mr. Fox, Mr. DeOrio,
14 and Mr. Stigalt and Mr. Graham are present.
15 MR. FLECHTNER: Okay. Thank you. First
16 thing on the agenda are the minutes of the
17 August 1st, 2018 meeting.
18 MR. SERRA: I make a motion to accept.
19 MR. FLECHTNER: Is there a second?
20 MR. MCCLEASTER: Second.
21 MR. FLECHTNER: Any further discussion?
22 (No response.)
23 MR. FLECHTNER: Roll call, please.
24 MS. KRENDICK: Mr. Serra.
25 MR. SERRA: Yes.

1 MS. KRENDICK: Mr. Volas.

2 MR. VOLAS: Abstain.

3 MS. KRENDICK: Mr. McCleaster.

4 MR. MCCLEASTER: Yes.

5 MS. KRENDICK: Mr. Flechtner.

6 MR. FLECHTNER: Abstain.

7 MR. FOX: So because you don't have the
8 sufficient number, you have to move that for
9 the next meeting, to include it.

10 MS. KRENDICK: All right. So those will
11 be moved to the next meeting?

12 MR. FOX: Yes.

13 MR. FLECHTNER: All right. Then the next
14 item is the discussion of the Main Street
15 Business District. Tim or Pat, do you
16 want --

17 MR. DEORIO: I'm going to get those maps.
18 Do you have these in your packets? I have
19 big maps for you.

20 MR. FLECHTNER: I have the reduced size.
21 Just give us a minute.

22 MR. DEORIO: So I obtained a large size
23 map for each Board member to have for -- to
24 take with them. So I don't know how you want
25 to do this tonight. If you want to just look

1 at one, I can --

2 MR. FLECHTNER: What are you looking for
3 us to do tonight?

4 MR. DEORIO: Well, I think what the Board
5 has to do is adopt this map.

6 MR. FLECHTNER: But I think --

7 MR. DEORIO: And what -- the change on
8 the map -- look at your map. I'm going to
9 put this -- do you have it down there?

10 MR. FOX: Yes.

11 MR. DEORIO: Is the purple area is
12 designating what the Main Street Business
13 District is, based on what City Council has
14 asked the Board to consider as the defined
15 area. And we believe that the Main Street
16 Business District was established with a code
17 a number of years back.

18 And we believe that over the years -- I
19 think you'll recall instances where
20 Applicants have come here and said that we
21 are in the Main Street Business District; we
22 need -- we need help. And we would respond,
23 well, where exactly is that, because we don't
24 have a map that shows where you are at on
25 Main Street Business District.

1 So we took those things together from
2 what Council had passed and came up with this
3 map of the Main Street Business District in
4 the purple, dark purple. And, essentially,
5 it represents parcels -- I looked at them
6 personally, every one of them, along with --

7 THE REPORTER: "I looked at the" -- I'm
8 sorry, Pat, I --

9 MR. DEORIO: I looked at each one of
10 these parcels, personally, along with the
11 Chief Building Official. And what we were
12 looking at were parcels that were less than,
13 you know, one and a quarter acre in size,
14 that faced issues with various things; they
15 don't have the frontage along Main Street,
16 the setback requirements, for signage, for
17 lighting, parking.

18 But parcels that were bigger than that,
19 in looking at them, we felt, you know what,
20 that parcel is bigger, that they could adopt
21 our sign language and be okay with it. They
22 wouldn't have to give you up something, or
23 they would have parking available.

24 So we didn't think that -- even though,
25 you know, Acme and K-Mart properties are on

1 Main Street, but we didn't feel that -- that
2 the size that they were would really fit the
3 requirements that Council was looking for.
4 We try to come up with a way to make a
5 business -- businesses more desirable to
6 locate on Main Street, and make it possible.

7 So we needed to bring that map back to
8 the Planning Commission, so that they could
9 approve that this is the map for the Main
10 Street Business District.

11 MR. FLECHTNER: And I -- I ask Tim, is
12 this something that should be -- since we are
13 amending the zoning map, would qualify as a
14 public hearing?

15 MR. FOX: Right. And the notice went out
16 as a public -- and I -- and I agree that --
17 well, I think you're asking, should those
18 from the public that wish to speak --

19 MR. FLECHTNER: Well, we don't need to
20 advertise it as a public -- like we have done
21 the other three items on the agenda?

22 MR. FOX: Well, the --

23 MR. FLECHTNER: Not to delay this to
24 another meeting, but, you know, are we
25 getting ourselves in a bind if we --

1 MR. FOX: Well --

2 MR. FLECHTNER: -- deal with it tonight
3 and --

4 MR. FOX: Yeah, it should be advertised
5 as -- as a public meeting.

6 MR. FLECHTNER: So --

7 MR. FOX: And if this -- this notice says
8 Planning Commission scheduled a public
9 hearing and an adjudication hearing --

10 MR. FLECHTNER: Right.

11 MR. FOX: If that's how it went out, I
12 think it's sufficient. Because the first
13 thing on there states that it's going to be
14 discussion --

15 MR. FLECHTNER: Do we advertise it as a
16 public hearing?

17 MR. FOX: Yes, sir.

18 MR. FLECHTNER: Okay. Good.

19 MR. FOX: So absolutely, I think you want
20 to take comments from the public.

21 MR. FLECHTNER: Yes. Yes.

22 MR. FOX: Perhaps go in that -- that
23 order. Because the -- as you said, on the
24 agenda, the adjudication hearing, it applies
25 simply to the conditional use application,

1 which is 807-18SP. It doesn't apply to the
2 second item that will be here, a proposed
3 site plan.

4 MR. FLECHTNER: Okay. All right. Let me
5 ask you a couple questions first. You
6 didn't -- all the parcels that have been
7 designated as Main Street District, in the
8 Main Street District, business district, were
9 they all zoned GBA or GBB?

10 MR. DEORIO: When we were looking at the
11 parcels, we weren't looking so much as to how
12 they were -- if they were GBA or GBB. We
13 were looking at the size of the lots.
14 Because the size of the lots is what's
15 creating the problem for location on Main
16 Street District, not whether it's GBA or GBB.

17 It's -- I have a parcel. It's the 1814
18 plat; 75 feet wide, 140 feet deep. And it
19 isn't -- isn't really developable enough, so
20 how can we get some relief from some of the
21 requirements. So to answer your question, we
22 are really looking at the size of the
23 parcels.

24 MR. FLECHTNER: Is -- and I just -- we
25 need -- Tim, if you could review the language

1 of the Main Street Business District. I
2 mean, are we not, in essence, changing the
3 zoning of the parcel that might be RMFB or
4 RMFA, by just taking it because it's a
5 small -- under an acre and a quarter acre,
6 and a half? Do you follow me?

7 MR. FOX: Yes. And I'm going by memory
8 here. I'm going to look for it specifically.
9 But my understanding is the purpose of the
10 Main Street Business District is to recognize
11 those parcels that are essentially
12 landlocked, and then have -- or don't have
13 the ability to expand, unless there is -- say
14 there is new construction. Because the
15 setbacks may not be deep enough. The parking
16 may not be sufficient.

17 So, essentially, what the Main Street
18 Business District is, it permits the Planning
19 Commission, Zoning Board of Appeals some --
20 just some discretion, saying the other ones
21 for the business district, GBA, GBB, those
22 numbers, where they say, this number of
23 parking spots, this type of setback, those
24 are hard and fast rules, and to deviate from
25 that would require a variance.

1 If you are located within the Main Street
2 Business District, it permits reasonable
3 discretion from the Planning Commission, the
4 Zoning Board of Appeals. And in that
5 reasonable discretion, you are looking at, is
6 this something that, based upon the size of
7 the lot, the structure that is already there,
8 this is a reasonable deviation from those
9 rules.

10 MR. FLECHTNER: Okay. So the -- and I --
11 I think we are accomplishing that anyhow by
12 changing the map, having a public hearing.
13 It will be now and forever after Main Street
14 business zoning rather than GBA or GBB or --

15 MR. DEORIO: I would -- I would disagree.

16 MR. FLECHTNER: Huh?

17 MR. DEORIO: I disagree.

18 MR. FOX: Well --

19 MR. DEORIO: I was just throwing it out
20 there. It's certainly for the Law Director.
21 But I don't think we are eliminating GBA or
22 GBB.

23 MR. FLECHTNER: No. No. On these
24 parcels.

25 MR. DEORIO: On those parcels, they are

1 still GBA, GBB, but they are entitled to
2 certain reasonable discretion from the GBA,
3 GBB zoning rules, but they are still GBA and
4 GBB.

5 MR. FLECHTNER: Okay. So if there is a
6 parcel that might have been RMFB --

7 MR. DEORIO: We're not changing the
8 zoning on the parcel.

9 MR. FLECHTNER: So you cannot put a
10 business on there, but it's -- whatever --
11 you can put what's permitted in a RMFB or A
12 on there, but you have the flexibility, as
13 defined in the Main Street Business District.

14 MR. DEORIO: And, certainly, if there
15 was, you know, these other classifications,
16 and those buildings were torn down, and the
17 site was going to be redeveloped, and wanted
18 to change the zoning to GBB, then --

19 MR. FLECHTNER: That would be a zoning
20 change.

21 MR. DEORIO: That would be a zoning
22 change.

23 MR. FLECHTNER: Okay. Just so everybody
24 is clear what we are doing. Do we have a map
25 that shows what -- will we retain a map that

1 shows what it was zoned prior to our
2 establishing it as a Main Street Business
3 District?

4 MR. DEORIO: We -- we -- we retain all of
5 our maps.

6 MR. FLECHTNER: Okay.

7 MR. DEORIO: However far back.

8 MR. FLECHTNER: Okay. So that -- the
9 application permit comes in to John; he knows
10 that it's a GBA, GBB, OB, RMFA, RMFB, or
11 whatever it might be.

12 MR. DEORIO: And we don't think -- we
13 don't exclusively rely on a map to make that.
14 You know, we have other documents that are in
15 files that we really should be relying on,
16 rather than just a map.

17 MR. FLECHTNER: Okay. Any other
18 questions of the Commission before I ask the
19 public to speak first?

20 (No response.)

21 MR. FLECHTNER: Anyone in the audience
22 want to speak on this issue?

23 Yes, sir.

24 MR. OSBORNE: Chuck Osborne, 307 Fairview
25 Street, Southeast, North Canton, Ohio.

1 Number one, this agenda is highly, highly
2 inadequate. And if this is the announcement
3 that went out, I think you need to table what
4 you are doing and start over.

5 I even asked the Commission members
6 what's going to be included in a public
7 hearing, and what items weren't. You say up
8 above in your title "Public hearing and
9 adjudication hearing," and down below, all
10 you show is items for adjudication.

11 The public doesn't even know what an
12 adjudication is. They certainly understand
13 what a public hearing is, and that might
14 catch their attention and maybe mean
15 something to them, and they might look at --
16 at this closer. So this agenda just doesn't
17 cut it.

18 Number two, regarding your -- your plan,
19 all these businesses along Main Street back
20 right up to residential property. So to bend
21 over backwards and do away with this parking
22 requirement or this setback requirement is
23 not fair to all of these residences that back
24 right up to these lots along Main Street.

25 Plus, I think you need to be able to go

1 one by one. And, Mr. Flechtner, I applaud
2 you for your questions, asking, well, which
3 ones are GBA, which ones are GBB, and which
4 ones are RMFA and B. I think you should know
5 every single lot. Maybe have a spreadsheet
6 to show which ones are going to be impacted
7 under this Main Street business.

8 I think you should detail what -- what
9 items are going to be relaxing. Are you
10 going to allow an area that only has maybe
11 five or ten parking spots to cram in a few
12 extra cars?

13 This is all wrong. This is wrong. And
14 it's clear that you are not prepared. It
15 hasn't been thoroughly vetted and researched.
16 And I just think this is a very poor way for
17 the City of North Canton's Zoning Board -- or
18 Planning Commission to proceed in this
19 manner.

20 MR. FLECHTNER: Thank you.

21 MR. OSBORNE: Thank you.

22 MR. FLECHTNER: Anyone else?

23 MS. TACK: Good evening. My name is
24 Rebecca Tack.

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

1 your name again?

2 MS. TACK: Rebecca Tack, on behalf of TRE
3 Properties, a business owner on this strip of
4 property. And I feel the need to stand up
5 and say that I really commend you for doing
6 this, because these small businesses -- I
7 understand the things that you are trying to
8 allow, and I think it's a great idea.

9 Because the business I have is directly
10 onto the sidewalk almost, so for us to put a
11 sign there, it would have to be on the direct
12 front of a building, which is very hard for
13 anyone to read. Our parking is in the back,
14 but I understand what you are saying about
15 the size of the building or what the business
16 is operating as, and such as how many parking
17 spaces you need for that business and things
18 like that.

19 But I would like to commend you on it,
20 because this is a great idea to attract
21 business to the area. And I just think it's
22 wonderful that you are allowing these --
23 these small things to happen, regardless of
24 the zoning.

25 Because I know, especially with my

1 business, it's not affecting any property
2 other than mine or anything behind it. We
3 actually enter from the alley behind our
4 business. We cannot enter from Main Street
5 itself. So I'd just like to say thank you
6 for doing this.

7 MR. DEORIO: Would you repeat the name of
8 your business, please?

9 MS. TACK: The business -- we own TRE
10 Properties.

11 MR. DEORIO: And where are -- what is
12 your address?

13 MS. TACK: 616 South Main.

14 MR. DEORIO: Thank you.

15 MS. TACK: Thank you.

16 MR. FLECHTNER: Thank you.

17 Anyone else?

18 MS. ROLL: Melanie J. Roll, 308 Portage
19 Street. I ask for some clarification. I'm
20 not still certain whether tonight is the
21 public hearing for the business district or
22 whether you are going to go and advertise it
23 and have a public hearing at another date.

24 MR. FLECHTNER: Tonight is the public
25 hearing for the Main Street Business

1 District.

2 MS. ROLL: District?

3 MR. FLECHTNER: Yes.

4 MS. ROLL: Was it advertised?

5 MR. FLECHTNER: Advertised, yeah. "The
6 North Canton Planning Commission has
7 scheduled a public hearing and adjudication
8 hearing." And one of the items listed under
9 the public hearing part is "Discussion and
10 adoption of the Main Street Business District
11 Map."

12 MS. ROLL: It was advertised in the
13 newspaper?

14 MS. KRENDICK: Yes.

15 MR. FLECHTNER: Correct. And that's what
16 Mr. Fox is indicating.

17 MS. ROLL: I just -- it wasn't clear
18 whether this was the public hearing for that
19 or it was a public hearing for something
20 else.

21 MR. FLECHTNER: Okay.

22 MS. ROLL: So it was somewhat confusing.

23 MR. FLECHTNER: All right.

24 MS. ROLL: Thank you.

25 MR. FLECHTNER: You're welcome.

1 Anyone else?

2 MR. FONTE: Good evening. My name is
3 Dominic Fonte. I live at 965 Fair Oaks
4 Avenue, Southwest, North Canton, Ohio. I am
5 also a real estate agent for 30 years. I
6 know most of you people. And I'm also on
7 City Council.

8 This is real important to me, because
9 what's frustrating to me is, I sit up here on
10 Council, as our hands are always tied.
11 And -- and the game has changed. We have to
12 be prepared for the changes that are coming.
13 Do we want to be leaders, followers, or do we
14 want to get out of the way?

15 So this is giving you the opportunity,
16 from your standpoint, to have latitude and
17 longitude to be able to make decisions on
18 these unusual pieces of property. I mean,
19 you have old real estate. And there are
20 people that want to run small businesses, and
21 we need to work with them. They are our
22 partners.

23 And so if you look at the United States,
24 most of the revenue is made up of small,
25 independent businesses. So we want to give

1 them tools. And it was so frustrating for
2 me, sitting up here -- and this has been
3 established since '03, and it just sat
4 stagnant for all this time. Now we come up
5 with a plan to give you guys the latitude and
6 longitude to figure out a way to kind of make
7 exceptions here and there, so that we can get
8 these businesses going.

9 Because, like I said, as things shift,
10 the millennial market is 50 percent of the
11 buying market, and people want to live in
12 these houses close to downtown and they want
13 to walk and they want things to do. By you
14 guys doing this, this gives you the
15 opportunity now that we can start doing some
16 fun things.

17 Like Pav's, for example, I mean, Pav's
18 almost didn't happen because of the red tape
19 and the rules and the regulations. Because
20 we are trying to retrofit an old piece of
21 real estate with some new ideas. And there
22 have been many things over the years.

23 So the question I have, as a citizen, as
24 a Council member, as a real estate agent, as
25 a person -- people need to make some changes.

1 Changes are difficult. And you have the
2 power and control now, where you now have
3 wiggle room. And that's what I'm really
4 looking for, wiggle room.

5 So I support this business. And I think
6 from north to south -- I don't know -- GBA,
7 general business office, it doesn't really
8 matter to me; it's on a main drag. It should
9 be some business entity. And we want to have
10 quality stuff in our town.

11 When you walk to Pav's -- I mean, it's --
12 I don't know -- I'm sure it's probably one of
13 the -- the happeningest little spots. Has
14 anybody been there yet? And then you have
15 got Starbucks. Yeah, I just say I like -- we
16 want to see more of it. I talk -- I beat
17 the -- I beat the beat every day, and this is
18 what people want. The majority of the
19 people, they want things to do in North
20 Canton.

21 We have all our bases covered. We have
22 safety. We have clean. We have convenience.
23 We have the airport. We have the expressway.
24 We have good real estate. I mean, everything
25 is in place. We have the parks now getting

1 dialed in, and the roads are dialed in.

2 So all we need is cool things to do in
3 town, instead of it being dead at 7:00 at
4 night. So that's basically my story, and I
5 think the majority of the people would agree
6 with that. Thank you.

7 MR. FLECHTNER: Thank you.

8 MR. SERRA: Mr. Fonte -- Mr. Fonte, I
9 have a question for you.

10 MR. FONTE: Yes, Tom.

11 MR. SERRA: So the Main Street Business
12 District, was this map created and started
13 from City Council, and is being sent back to
14 here?

15 MR. FONTE: Yes. Basically, it was
16 something that was discussed years ago. It
17 just was stagnant. And then when we had
18 Pav's issues, Starbucks, Acme, then the
19 evolution of this started. So Pat and I
20 started -- and Tim, we started talking about,
21 okay, what is really the purpose of Main
22 Street Business District.

23 Well, we have ordinances that stop us
24 from doing everything. Just like Pav's
25 almost didn't come, because we didn't have a

1 parking arrangement set up properly. So we
2 had to get creative, or they would be gone
3 and they wouldn't be here. And look at all
4 the excitement. It's not a big money maker
5 maybe, but look at the joy it brings to the
6 faces of the kids, and the adults, you know,
7 the adult drinks, not the kid drinks, and the
8 ice cream.

9 So what I'm saying is, I think in
10 general, you know, it was done in the sense
11 of the smaller lots, where there are
12 setbacks, there are signage issues, parking
13 issues. So it just gives you the
14 opportunity, that you can look on a
15 case-by-case basis, and now you have wiggle
16 room; now you can make changes and accept
17 certain things, where you could never do
18 before. So that was really the purpose why
19 we did it.

20 MR. SERRA: Didn't the Main Street
21 Business District used to go up east and west
22 on Applegrove?

23 MR. FONTE: Well, I mean, we can --
24 basically, the main corridor is what we were
25 focused on, but it can expand a little bit

1 either way, I'm sure. We just have to talk
2 about it with Council and submit it back to
3 you guys.

4 MR. SERRA: Well, I respect what City
5 Council is doing for the City, but I'm not
6 quite sure I understand how this started with
7 City Council and now it's coming backwards to
8 the Planning Commission.

9 MR. FONTE: It's coming back to what?

10 MR. SERRA: Coming to us. I mean, it's
11 not saying that -- I agree it should be a
12 public hearing, and I guess it is. But it's
13 like it started -- it's a -- City Council is
14 recommending to the Planning Commission to
15 accept this or not accept it. And to be
16 perfectly honest, I don't even have a map of
17 it. It wasn't even sent to me.

18 MR. FONTE: I mean, I saw -- where's that
19 huge map?

20 MR. SERRA: Well, that's just being
21 presented tonight.

22 MR. FONTE: Well, I mean, I saw it -- I
23 don't know -- weeks ago. We have been
24 talking about it for a long time. I don't
25 know. I mean, yeah, there is a lot of

1 paperwork that comes and goes throughout the
2 day.

3 I guess it's interesting to me, because
4 I'm interested in it. So I'm dialed in.
5 That's why I'm here tonight. But I'm just
6 saying in general --

7 MR. FLECHTNER: Maps were sent to -- I
8 think we got an e-mail a couple three weeks
9 ago from Mr. DeOrio, with the map attached.
10 It was a small version. And it indicated
11 that if you wanted a larger version, contact
12 him or the engineering department to pick up
13 another one.

14 MR. SERRA: I must not have gotten the
15 e-mail.

16 MR. FLECHTNER: As far as Council, you
17 know, zone changes, zoning map amendments,
18 zoning regulation amendments, you know, can
19 be instigated by a property owner, Council,
20 Planning Commission. So, really, it's --
21 it's the process that's provided, and
22 regulations, to get something enacted.

23 MR. FONTE: I mean, Tom, you know, I
24 think --

25 MR. FLECHTNER: It's very clearly that --

1 MR. FONTE: I mean, something needs to be
2 done. I sit up here and it's just very
3 frustrating to have your hands tied. Now we
4 are untying the hands, so that we have -- you
5 guys have some flexibility.

6 MR. SERRA: I totally agree, something
7 needs to be done. But I'm just saying I
8 didn't get --

9 MR. FONTE: Maybe you just didn't get the
10 e-mail.

11 MR. SERRA: Maybe it got deleted out of
12 my system --

13 MR. FONTE: Yeah, it happens. It
14 could --

15 MR. SERRA: I haven't seen it.

16 MR. FONTE: You might go look in the spam
17 filter. It might be there. I mean, I surely
18 looked at it. And I have a big map, just
19 like he has back there, but I went and got
20 it. I went and asked him for it. You know,
21 because I couldn't see that small map well
22 enough. And, besides, I'm interested in
23 understanding this, so I wanted to make sure
24 I had the big map. And anybody can have it.
25 He has a bunch of them.

1 MR. DEORIO: Yeah, and I did e-mail it,
2 personally, to all Board members. I provided
3 an electronic copy to the -- to the Chief --
4 or to the building department. They -- I
5 believe you attached it to the e-mail that
6 went out, and then a copy of it was put in
7 the packet. So I didn't get any e-mail back
8 that it was a bad address. Maybe we -- we
9 need to check those addresses, just to make
10 sure, but --

11 MR. FOX: And I think it's important
12 to -- to distinguish; a change in how an area
13 is zoned generally is very significant. You
14 are changing a residential area to permit
15 commercial or industrial in that area, that's
16 a significant type of change.

17 But adding the Main Street Business
18 District is -- is a minor change that
19 authorizes some deference for the Planning
20 Commission, and especially for the Zoning
21 Board of Appeals, that looks at, well, it can
22 provide variances when it meets certain
23 criteria.

24 But it has been brought up here in
25 Planning that -- that Council has enacted

1 these certain rules for planning and zoning,
2 and they are important, because residents
3 rely on those. They rely on those often when
4 they are making the most significant purchase
5 of their life, when they are perhaps buying a
6 home or purchasing a business.

7 But the -- the change provided by the
8 Main Street Business District is probably the
9 most minor that you are going to see. If you
10 look at the two documents I provided,
11 1137.01, intent, and 1153.06, reduced
12 standards, Main Street Business District, it
13 says the intent for the Main Street Business
14 District is that it maintains and promotes a
15 central portion of Main Street as a court
16 area for retail sales by permitting buildings
17 to be close to the street, to one another, by
18 modifying the parking requirements for this
19 District. So by not putting those hard fast
20 numbers, calculations, it offers you some
21 discretion, if you see that from the
22 Applicant.

23 And 1153.06 is a little more specific,
24 and it provides for reduced standards for
25 Main Street Business, and stating that in the

1 recognition of the historic compact character
2 of buildings in the Main Street Business
3 District, as well as less efficient uses of
4 the floor area of those buildings, the
5 Planning Commission may approve a development
6 plan with a reduction in the requirements of
7 the schedule in 1153.04, which is required
8 off-street parking spaces.

9 So this is specific just to parking, and
10 it provides you with four criteria that it
11 suggests that you look at if you think that,
12 because it's located in the Main Street
13 District, because -- Pav's is a perfect
14 example in there, that it does have that
15 reduced area, and two other businesses to
16 share that parking with, that if you had
17 designated it in that Main Street area, it
18 provides you with some discretion in looking
19 at the -- the number of parking spots that
20 are available.

21 And one other item to point out: I find
22 it ironic that Mr. Osborne came here and
23 somewhat belittled our -- looked at this Main
24 Street Business District and made comments
25 kind of disparaging in its intent, when this

1 District was introduced in the sweeping
2 legislation about 20 years ago, when
3 Mr. Osborne was on Council. And he is the
4 one that championed the Main Street Business
5 District.

6 So to come back up here again, when 20
7 years has gone by and we have not taken
8 advantage of this, but we have been talking
9 about it for a couple years, to come up and
10 now state that it's no longer necessary, it
11 appears that -- it either, you know, should
12 be implemented or simply removed if we are
13 not going to utilize it.

14 MR. FLECHTNER: Thank you.

15 MR. OSBORNE: Mr. Flechtner --

16 MR. FLECHTNER: You've got --

17 MR. OSBORNE: -- Mr. Fonte has a conflict
18 of interest.

19 MR. FLECHTNER: What?

20 MR. OSBORNE: He is a real estate agent.
21 He has a financial -- subsequent financial --

22 MR. FLECHTNER: He's up --

23 MR. OSBORNE: He's --

24 THE REPORTER: One at a time.

25 MR. FLECHTNER: Sit down, please.

1 THE REPORTER: You have to talk one at a
2 time.

3 MR. FLECHTNER: Sit down, please.

4 MR. OSBORNE: And Mr. Fox is incorrect.

5 MR. FLECHTNER: Is there anyone else in
6 the audience that wants to speak?

7 MR. PAPPAS: I do.

8 MR. FLECHTNER: Yes, sir.

9 MR. PAPPAS: Nik Pappas, 1321 Koons Road,
10 North Canton. I'm the owner of Pav's
11 Creamery, the majority owner. And I applaud
12 everything that you guys are putting forward
13 tonight, obviously, for reasons in the past.

14 We almost lost Pav's by 20 feet, based on
15 the old previous rules and regulations that
16 said that we couldn't do this. We couldn't
17 take an old Isaly's shop and turn it back
18 into an ice cream shop, over 20 feet of
19 parking.

20 So if there are any other businesses that
21 are out there that have plenty of potentials,
22 that sees businesses or sees a vacant
23 building that has been vacant for years, and
24 has -- can put some life into it, please, do
25 whatever you can to -- to -- to change

1 whatever outdated laws that are currently in
2 place, and -- and make it possible for new
3 business to come.

4 I am currently building a property in
5 Cuyahoga Falls -- and I know this is apples
6 and oranges -- that has no parking lots, that
7 is incentivizing businesses for \$40,000 to
8 come into their vacant Front Street
9 properties, because there is nothing there.
10 They can't get businesses to come in here.

11 And here we had a business that hadn't
12 been operational with a long-term tenant
13 since 1996. And I, by that time -- I mean,
14 we put \$180,000 in this business that we
15 don't own, just to put an ice cream shop in
16 North Canton. You know what I mean?

17 So please consider that, that, listen,
18 what you guys are doing I think is fantastic.
19 These -- these laws are outdated. I get the
20 circumstances that attain to change these
21 things. They are not easy. But it goes a
22 long way. So I appreciate it and thank you
23 for your support.

24 MR. FLECHTNER: Thank you.

25 MR. FOX: One more thing. Mr. Serra

1 mentioned the rationale behind it is Council
2 knowing that this -- this Commission are the
3 experts for planning and zoning and, you
4 know, those types of rules. So that's why,
5 as our -- our President had stated, that
6 there are three ways that, you know, someone
7 can come for a zoning amendment; it's either
8 the property owner themselves, it may be
9 initiated by the Planning Commission, or may
10 be even initiated by Council, that puts it
11 through a resolution, asking the Planning
12 Commission to take a look at this. This is
13 what it sees, what it recommends. But it's
14 offering that up and asking for
15 recommendations from the Planning Commission.

16 And I think it all started, if you
17 recall, that Mr. Fry had pointed that out at
18 a meeting, and said we have this Main Street
19 Business District in our rules for planning,
20 but we never utilized it. And for a while,
21 we had talked about, you know, the corridors
22 off along Main Street. I remember some
23 discussion about perhaps including
24 Applegrove.

25 But Council, in its efforts to get the

1 ball rolling, Member Fonte had asked how to
2 get it started. We actually came in on a
3 Sunday and sat here and looked over the map
4 and talked about that, to initiate this
5 resolution to bring it to planning to get
6 this -- at least get the discussion started
7 and see if we might be able to designate some
8 areas that might be worthy of some relief.

9 MR. FLECHTNER: All right. Anyone else
10 in the audience? Commission? Comments?
11 Questions?

12 MR. VOLAS: Question: What was the date
13 that City Council approved the zoning map?

14 MR. FOX: I'll have to go back and pull
15 it. It will take me a minute.

16 MR. VOLAS: Yeah, I'd like to know that.

17 MR. FOX: I can do an electronic search,
18 I'm sure.

19 MR. FLECHTNER: Questions or comments?

20 MR. MCCLEASTER: No.

21 MR. FLECHTNER: Tonight -- our action
22 tonight, whatever it may be, whether it's
23 forwarded to send it back to City Council, to
24 have a public hearing and adopt --

25 THE REPORTER: Mr. Flechtner, I'm having

1 trouble hearing you.

2 MR. FLECHTNER: Okay. All right. Once
3 we take action, whatever it may be, this item
4 will then go back to City Council for another
5 public hearing, and their adoption of an
6 ordinance, to accept or reject it.

7 No other questions?

8 Yeah, John.

9 MR. STIGALT: Thank you, Mr. Chairman.
10 I'd like to say, you know, with this change
11 with the Main Street District, it -- it does
12 allow developers more choices in designing
13 buildings. They are allowed up to 70 percent
14 of the lot to put a building. Some of these
15 buildings cannot be re-purposed. They are
16 just too old.

17 Doing a cost analysis on a building, to
18 try to repurpose, sometimes it's just easier
19 to tear it down and start brand new. Once
20 they tear a building down, without this
21 District, that -- that lot becomes a vacant
22 lot that has asphalt, or we're going to need
23 to, you know, cut the grass, which takes away
24 from our purpose of bringing businesses in,
25 being more business friendly, seeing the City

1 grow and not become stagnant. And that
2 District allows -- you know, there are gives
3 and takes, but there is a lot more that they
4 get for having those small lots or investing
5 in them with this change and adopting, you
6 know, this Main Street Business District.

7 So it's very, very important that it's
8 approved and moved forward and implemented,
9 so that we can get businesses; we don't look
10 at vacant lots, and, you know, it becomes a
11 stagnant growth on your main street, which
12 is, you know, your biggest asset, along --
13 outside your parks, of course.

14 But, I mean, talking business-wise, it's
15 a great asset. And we should utilize it and
16 allow the builders, remodelers, real estate
17 agents, or whomever involved in businesses,
18 that flexibility to sell, buy, grow, build,
19 and provide opportunities for our residents
20 to visit, to eat, buy shoes, shop, nails,
21 whatever, you know, get their shoes repaired.

22 It's important, I think, that it does get
23 approved by this Commission. And I know
24 Council is behind it 100 percent. Thank you.

25 MR. FLECHTNER: Peter, what specific date

1 are you looking for on the map?

2 MR. VOLAS: I want to know from the time
3 that Council heard that to today, to see if
4 it undoes anything -- if it negates anything
5 that we did in the past. Are we opening
6 ourselves to risk on past decisions? That's
7 what I'm trying to understand.

8 MR. FLECHTNER: Okay. Because it -- I
9 mean, these maps are -- and Mr. Graham can
10 probably clarify, but these maps are
11 periodically changed by the engineering
12 department.

13 MR. VOLAS: I understand.

14 MR. FLECHTNER: The minute -- I don't
15 think you change it immediate -- or do you
16 change it immediately upon a zone change
17 occurring? Do you revise it, update the map?

18 MR. GRAHAM: Right. We try to keep up
19 with any changes, and document such change.

20 MR. FLECHTNER: So at this point, there
21 would be no map that was approved that
22 designated -- as Mr. DeOrio pointed out in
23 the beginning, that designated what is part
24 of the Main Street Business District. I know
25 there have been discussions, as -- Mr. Fox

1 has indicated that, you know, when Gary Fry
2 was here, he gave us a list of things he
3 wanted, that being one of them. And sign
4 ordinance.

5 But there would have been a time when
6 Council would have had discussions and
7 adopted a resolution -- okay. So this is --

8 MR. VOLAS: 13 November 2017.

9 MR. FLECHTNER: Yep. So that's where we
10 are today.

11 So any -- if there is no other discussion
12 from the Commission, is there a motion.

13 MR. MCCLEASTER: I move that we accept
14 the map as presented and pass it back to City
15 Council for their subsequent hearing and
16 approval.

17 MR. FLECHTNER: Is there a second?

18 MR. VOLAS: I'll second the motion.

19 MR. FLECHTNER: Any further discussion?

20 (No response.)

21 MR. FLECHTNER: Roll call, please.

22 MS. KRENDICK: Mr. Serra.

23 MR. SERRA: Yes.

24 MS. KRENDICK: Mr. Volas.

25 MR. VOLAS: Yes.

1 MS. KRENDICK: Mr. Flechtner.

2 MR. FLECHTNER: Yes.

3 MS. KRENDICK: Mr. McCleaster.

4 MR. MCCLEASTER: Yes.

5 MR. FLECHTNER: All right. Thank you.

6 Now, moving down to the next item on the
7 agenda, which would be an item which was
8 tabled at the August 1st meeting of the
9 Planning Commission; proposed site plan for
10 624 South Main Street, Lot 58.

11 Is there a representative for that plan?

12 MR. FOX: Mr. Chairman, if I note, there
13 will be two parts to this; one is for the
14 plan. And then for the outside dining as a
15 conditional use, that part is an adjudication
16 hearing. And that's when we'll ask our court
17 reporter to swear in those that wish to offer
18 evidence in favor or against the conditional
19 use permit.

20 MR. FLECHTNER: If I might bring
21 something up at this point; we have one other
22 item -- or two other items. And I apologize
23 to those proponents. Is there any way we can
24 move one or both of those ahead of this? I
25 think this might -- with it being broken into

1 two, if you gentlemen don't object, I will go
2 into our second and third items.

3 MR. YOUNG: Sure. No objection.

4 MR. FLECHTNER: Hopefully it will take
5 less time. I appreciate your support.

6 The next item on the agenda then would be
7 a proposed site plan for 365 Wise Avenue,
8 from the North Canton City Schools, for a --
9 permanent bleachers and press box at the
10 varsity softball field.

11 MR. HENNE: Thank you, Mr. Flechtner.
12 Todd Henne, North Canton City Schools. In
13 summary, this proposal will take the existing
14 portable bleachers we have had for the eight
15 years since the creation of the softball
16 fields, turn that into pretty similar
17 permanent bleachers on a cement pad, and the
18 addition of a press box, fairly small press
19 box at the top there.

20 MR. VOLAS: Can we change the video,
21 please? Thank you.

22 MR. SERRA: What's the capacity of
23 seating? Do you know the capacity of
24 seating?

25 MR. HENNE: I believe it's in the low

1 400s. I don't have that info right here.

2 MR. SERRA: It says 245.

3 MR. HENNE: 245, yes.

4 Keep scrolling.

5 MS. KRENDICK: This?

6 MR. HENNE: Down. The picture at the
7 bottom half of that.

8 MS. KRENDICK: This picture?

9 MR. HENNE: Yeah. And freeze right
10 there.

11 MR. FLECHTNER: Okay. John, any comment?
12 Do you have anything further?

13 MR. HENNE: No. Thank you.

14 MR. STIGALT: Mr. Chairman, just wish
15 that -- they have brought their building
16 plans in. We have reviewed them. They have
17 a few corrections to make, but we do wish to
18 have this approved by the Planning
19 Commission, so they can move forward with
20 their project. Thank you.

21 MR. FLECHTNER: Anyone in the audience
22 wish to speak on this?

23 (No response.)

24 MR. FLECHTNER: Questions and comments
25 from the Commission?

1 MR. VOLAS: No.

2 MR. FLECHTNER: This is site plan
3 approval, final?

4 MR. STIGALT: Yes.

5 MR. FLECHTNER: Final site plan approval.

6 MR. VOLAS: I make a motion to approve
7 the plan as submitted by the City of North
8 Canton Schools.

9 MR. FLECHTNER: Is there a second?

10 MR. SERRA: Second.

11 MR. FLECHTNER: Any further questions?

12 (No response.)

13 MR. FLECHTNER: Roll call, please.

14 MS. KRENDICK: Mr. McCleaster.

15 MR. MCCLEASTER: Yes.

16 MS. KRENDICK: Mr. Serra.

17 MR. SERRA: Yes.

18 MS. KRENDICK: Mr. Volas.

19 MR. VOLAS: Yes.

20 MS. KRENDICK: And Mr. Flechtner.

21 MR. FLECHTNER: Yes.

22 Okay. Thank you. All right. Let's -- I
23 understand that -- all right. The next will
24 be the zoning amendment for Parcel 9207358,
25 Lot 53, currently zoned P/I, requests to be

1 rezoned R50.

2 MR. FOX: I believe there has been a
3 request made to table this, if the Commission
4 would entertain that. I believe the issue is
5 perhaps an administrative error that perhaps
6 a small portion of the map, when it may
7 have -- this -- this parcel included an area
8 that may have been a zoning change from R70
9 to parks and institution, that the current
10 map we have may be correct in that there are
11 a handful of parcels that, although zoned
12 R70, the map reflects that they are P and I.

13 And what we are involved in right now is
14 having our building department certifying
15 that the properties are indeed R70. And what
16 we'll do is -- is correct the map. But I
17 believe the zoning --

18 THE REPORTER: "But I believe the
19 zoning" -- I'm having --

20 MR. FOX: I believe the zoning wasn't
21 actually changed. I think the most important
22 part, if I was a homeowner or property owner
23 there, is how it is zoned by the County. And
24 I did confirm that although residential
25 properties do indeed reflect that they are

1 residential properties, and so the taxes that
2 they would pay, if there is not going to be
3 any change in that, for us to -- to simply
4 correct that, perhaps that misstep on the --
5 on the zoning map.

6 And once we verify those, we'll -- we'll
7 update the map and certainly notify all of
8 those residents. And perhaps many of those
9 were simply not aware that the map
10 incorrectly identified those couple parcels
11 as parks and institutions, instead of R70.

12 We had a panel member that was alert and
13 contacted and brought that to our attention,
14 and initially thought that it would require a
15 zoning change, and none of the -- of the mind
16 that if this is an administrative error,
17 there should be no cost to anyone to correct
18 that error. We will fair those things out
19 and figure out what occurred.

20 I do have a map from 2000, and they are
21 all R70. I found the closest to that is
22 2005, and it does indeed include some of
23 those that have that P and I designation. So
24 we'll track that down and figure out what
25 happened between 2000 and 2005, and make that

1 correction.

2 And that's the reason we are asking to
3 table it. I don't believe there is any
4 effort that should come from this Commission
5 to resolve it.

6 MR. FLECHTNER: Is there --

7 MR. SERRA: I would make a motion to
8 table it.

9 MR. FLECHTNER: Is there a second?

10 MR. VOLAS: I'll second it.

11 MR. FLECHTNER: Roll call, please.

12 MS. KRENDICK: Mr. Flechtner.

13 MR. FLECHTNER: Yes.

14 MS. KRENDICK: Mr. Volas.

15 MR. VOLAS: Yes.

16 MS. KRENDICK: Mr. Serra.

17 MR. SERRA: Yes.

18 MS. KRENDICK: Mr. McCleaster.

19 MR. MCCLEASTER: Abstain.

20 MR. FLECHTNER: Okay. Now, gentlemen, we
21 are back on the South Main Street parcel.
22 Thank you very much for your consideration.

23 MR. SERRA: Mr. Chairman, I need to
24 excuse myself, since I own property within
25 200 feet of the area.

1 MR. FLECHTNER: Okay. That's
2 understandable, and we appreciate your
3 consideration.

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

5 MR. FLECHTNER: Go ahead, gentlemen.

6 MR. YOUNG: Peter Young, 700 to 708 South
7 Main Street; the landlord for -- for Pav's.
8 And we are the expected buyers of 624 South
9 Main Street, the property adjacent with the
10 overflow parking, with my brother-in-law, Joe
11 Waggoner.

12 MR. FLECHTNER: All right. Any changes
13 what -- than -- that -- than what you
14 submitted to us back in August?

15 MR. YOUNG: No changes, but just more
16 detail that the Commissioners requested at
17 the last one. So on the new, more detailed
18 map, we -- first of all, on the -- on the
19 proposed upgraded parking area, on Baker
20 Court, we accurately reflected where the
21 retaining wall would be. And we also
22 reflected the bumper guards, wheel bumper
23 guards.

24 So as you note on the new map, the
25 retaining -- we'll have to take a little bit

1 of the hill, build into the hill a little bit
2 to provide the required circular space for
3 cars backing out. And we wanted to minimize,
4 obviously, that hill, to preserve as much of
5 the soft bank for drainage purposes as
6 possible. So we were able to do that.

7 And the retaining wall would be about 105
8 feet in length, and the maximum height would
9 be 20 inches. So it would be a relatively
10 minor change. And we'll use either -- it
11 will be built out of either concrete block or
12 sandstone block. And we provided the
13 Commission -- Commissioners with pictures of
14 what the -- what both would look like.

15 The map also includes -- the other -- the
16 map also includes the location of the current
17 street light which illuminates the area. I
18 pulled in at 2:00 this morning, and almost
19 bright as day. So -- and -- and that is -- I
20 think that's all that we updated in terms of
21 the map for the overflow parking area.

22 And then the Commissioners also asked for
23 more details on Pav's proposed outdoor patio
24 dining area.

25 MR. FLECHTNER: Question: I -- maybe you

1 can -- John, you might clarify this. Is this
2 being submitted as a preliminary or a final
3 development plan?

4 MR. STIGALT: Well, it's conceptual and
5 final at the same time.

6 MR. FLECHTNER: Okay.

7 MR. STIGALT: Because they are going
8 to -- this is the concept they are looking
9 at. It's final as what it will be. And the
10 engineering department and the building
11 department will work out the details for the
12 construction aspect of the --

13 MR. FLECHTNER: That's fine.

14 Anyone from the audience have questions
15 or comments?

16 MS. TACK: Is there a map that they have
17 they can put up for us?

18 MS. KRENDICK: I do not have it
19 electronically.

20 MS. TACK: Okay.

21 MR. FLECHTNER: Do you have one you can
22 put on the table?

23 MR. OSBORNE: Chuck Osborne, 307 Fairview
24 Street, Southeast, North Canton, Ohio. From
25 the very start of this a year ago, I have

1 been in total opposition. The property does
2 not have adequate parking. Now, they
3 presented a -- a license to you to have
4 overflow parking next door. And they
5 flip-flop back and forth, calling it a
6 license, calling it a lease. A license; a
7 license can be revoked. It's properly called
8 a revocable license. Here is a copy of the
9 license. The proper name for it is a
10 revocable license.

11 I will have these handouts for you. Page
12 2, it says, in the event the additional
13 parking is no longer required by 708 South
14 Main, either party has a right to terminate
15 this license with written notice to the other
16 party.

17 So as far as I'm concerned, the
18 license -- revocable license isn't worth the
19 paper it's printed on. It can go away
20 tomorrow and you will not have adequate
21 parking. And that was the basis for the
22 approval a year ago.

23 I have some handouts here describing what
24 the difference is here between a lease and a
25 license. Because they kept changing

1 terminology last year. Mr. McCleaster was
2 trying to hone in on this last year. And,
3 ultimately, Mr. Fry, who was the City's
4 Economic Development Director, and the City's
5 Law Director started calling it a lease
6 themselves.

7 The property of the gas station next
8 door, that is supposedly to be used for the
9 overflow parking, hasn't changed ownership
10 since 2004. So they don't even own the
11 next-door property.

12 Now, get back to what was just said, a
13 20-inch little stone wall. And if you look
14 at the diagram, you barely have room to back
15 out of your parking stall. Twenty inches is
16 the perfect height to back right into that
17 wall. You would have to have a much higher
18 retaining wall, much farther back into the
19 embankment to have adequate ingress and
20 egress.

21 They have been there for a year. They
22 have overflow parking next door. Is it hard
23 surface? No. And if you put any hard
24 surface, what are you going to do about
25 drainage? Run it all out there in the alley

1 and let it run down in the residential homes
2 that are right behind there?

3 You know, there is a reason why
4 properties suddenly no longer meet the needs
5 of business. Are we going to go all ends of
6 the earth to keep this property in play for
7 business use? They become opportunities for
8 somebody else who has bigger plans, who can
9 remedy the site for a higher and better use.

10 You know, this -- this whole decision
11 last year and continuing is sentimentality,
12 and politics. For the life of me, I can't
13 understand why Pav's, the owners, didn't find
14 a better residential -- I mean, business
15 setting, a better piece of property.

16 Frankly, both properties should be
17 cleared. And part of the current Pav's
18 property would allow El Rincon to expand
19 their parking. Because they need more
20 parking. They are using adjoining property
21 for parking.

22 So it's -- it's not government's
23 responsibility to continue to relax and relax
24 and relax requirements, to keep these
25 properties in play.

1 Same thing with Main Street Business
2 District; they are all old, old homes. And
3 as Mr. Stigalt brought up, you'd be better
4 off to clear them. But we also need to keep
5 in mind that these properties are very close
6 to residential.

7 We know the next step. If you guys
8 approve all this, they are going to come back
9 again, and they want to vacate the alley that
10 splits these two properties. So I don't know
11 why this is continuing. The property is
12 highly unsuitable for ingress and egress for
13 the traffic that they would hope to generate.

14 So that's enough.

15 MR. FLECHTNER: Okay.

16 MR. OSBORNE: I have the handouts here
17 for you. The last part is a complaint I
18 filed with the Stark County Bar -- Mr. Fox
19 brought it up himself publicly here --
20 because he started describing that license
21 agreement as a lease. And, again, it can be
22 revoked tonight, and they would --

23 MR. FOX: Mr. Chairman, I think he has
24 put in his time --

25 MR. OSBORNE: It should never have been

1 approved from last year. So now you allowed
2 these people --

3 MR. FLECHTNER: Thank you.

4 MR. OSBORNE: -- to spend probably
5 \$100,000 --

6 MR. FLECHTNER: You have had your three
7 minutes. Thank you.

8 MR. OSBORNE: You have a conflict of
9 interest.

10 MR. FOX: Take your seat.

11 MR. OSBORNE: Mr. Fox, you are out of
12 order.

13 MR. FOX: Take your seat.

14 MR. OSBORNE: Mr. Flechtner is chairing
15 the meeting.

16 MR. FLECHTNER: Take your seat, sir.

17 MR. FONTE: Okay. So Dominic Fonte
18 again, 965 Fair Oaks Avenue, Southwest. I'm
19 a real estate agent. I don't really sell
20 commercial real estate at all. I'm
21 interested in the Main Street Business
22 District.

23 And this is the reason why, is because
24 what Chuck said, you know, there is -- you
25 have the older real estate. We are trying to

1 get a purpose there. And it's not just
2 Pav's. It's other businesses, too. Not
3 everybody can afford to level to the ground
4 and start from ground zero.

5 You know, small businesses, entrepreneurs
6 are trying to make things happen. And small
7 communities like ours like that kind of
8 thing. It's change. Change is difficult.
9 It's just like when I grew up when I was a
10 kid; we had seven people with one car. You
11 know, one-car garage, one car was acceptable.
12 The game has changed. Things are changing.
13 We need to change with the times.

14 If the Main Street Business District from
15 '03 would have been in effect, this would be
16 a moot point anyhow. So, creatively, they
17 came up with a way to talk to the neighbor.
18 Unfortunately, the neighbor doesn't own the
19 property any -- or he does, but it's going to
20 be hopefully owned by these new people, and
21 they'll have more room to do what they want
22 to do.

23 So I want to say, the Main Street
24 Business District, there is no conflict here.
25 I just want to see things move forward.

1 That's why I'm here, to try to help move
2 things forward. So now we have the tools.

3 And lease agreement, license agreement,
4 who knows. I don't really understand all
5 that. That's the lawyer's department. Thank
6 you.

7 MR. FLECHTNER: Anyone else?

8 MS. TACK: Rebecca Tack of TRE
9 Properties, 616 South Main Street. I am just
10 curious, if I could ask them -- just looking
11 at this map here for the first time tonight,
12 we are located next door to the old garage,
13 the old gas station.

14 And I'm just curious; I -- I doubt you
15 are doing anything with the hill, as far as
16 moving north towards our property. I don't
17 believe so. I just wanted to make sure. I
18 can see where you have your retaining wall.
19 I just wanted to make sure that any part of
20 that really wasn't knocked down, per se.

21 MR. YOUNG: That's correct.

22 MS. TACK: All right. Thank you.

23 MR. FLECHTNER: Thank you.

24 Anyone else?

25 Open it up to -- well, let me make a

1 couple comments. Three things that I see;
2 your two spaces to the -- the north end, that
3 won't work. You are backing out. You have
4 got the driveway, a means of ingress and
5 egress there. Those spaces will be backing
6 into vehicles coming on.

7 MR. YOUNG: Right. We understand that,
8 as of this afternoon. So we understand that
9 those two spaces, there is not enough room to
10 fit within the City's parallel parking rules.

11 Having said that, even if we cut it --
12 cut the parking down to 48 spaces --

13 MR. FOX: Yes.

14 MR. YOUNG: -- we still have more than
15 enough to accommodate the -- the overflow
16 parking requirements.

17 MR. FLECHTNER: Right. Stay there,
18 because maybe somebody else -- second one,
19 your parking along Baker Court, with the
20 90-degree parking and the 14-foot aisle way,
21 I did my own independent -- I had -- I have a
22 parking spot in my driveway at home, and it
23 takes me -- and this is with a pickup truck.

24 MR. YOUNG: Uh-huh.

25 MR. FLECHTNER: It takes me 20 feet to

1 back out -- or no, 18 to back out; 21 feet to
2 pull out of a 90-degree parking. So I think
3 that aisle way needs to be in compliance with
4 our regulations, which I think John can let
5 you know.

6 The other thing -- the third thing would
7 be: Are you going to retain that driveway at
8 the south end of the current business, where
9 people will be pulling directly into the
10 outside -- proposed outside seating area?

11 MR. DEORIO: Mr. Chairman, if I may
12 address that question.

13 MR. FLECHTNER: Yeah.

14 MR. DEORIO: I have asked that the
15 Applicant enclose that area as a matter of
16 public safety.

17 MR. FLECHTNER: Sure. Yeah. I just
18 wanted --

19 MR. MCCLEASTER: I'm sorry. Which area
20 was that?

21 MR. DEORIO: The area that is the south
22 driveway.

23 MR. FLECHTNER: Pulling directly into --

24 MR. DEORIO: Pulling directly into the
25 building.

1 MR. MCCLEASTER: Right here?

2 MR. FLECHTNER: Yeah, this right here.

3 MR. MCCLEASTER: Oh.

4 MR. FLECHTNER: That's a -- currently a
5 dropped curb, and people are coming in and
6 out of there now.

7 MR. DEORIO: And the reason is that -- we
8 were looking at is, you know, Pav's is wildly
9 popular. And I don't know if you have been
10 down there, but there are times when, you
11 know, the people are lined up around the
12 corner to get into the building to get what
13 they serve there. And so I was concerned
14 about them assembling in the El Rincon
15 parking lot, because that's --

16 MR. FLECHTNER: Sure.

17 MR. DEORIO: -- immediately adjacent.

18 So I have asked that they enclose that,
19 extend the brick wall that -- that the City
20 installed there. I've indicated we have
21 sandstone caps available that could be used.
22 And then from the end of that brick wall,
23 that they -- a wrought iron style fence run
24 from that to the building, to enclose that
25 area, to keep their patrons in a better

1 environment.

2 And if they would do that, then the City
3 would, you know, address the curb that's
4 existing, to cut down -- we could -- as we
5 are doing some other things, we could remedy
6 that. But that was something that was on our
7 mind and I had addressed to them. And I
8 wanted to make sure that the -- that you got
9 the position from the Administration that we
10 were looking at that and we have asked them
11 to do that.

12 MR. FLECHTNER: Okay. Thank you.

13 MR. MCCLEASTER: Well -- go ahead.

14 MR. FLECHTNER: Those were the three
15 things I had.

16 MR. MCCLEASTER: I have a number of
17 concerns, as well. First, I want to preface
18 by saying, you know, my family has been to
19 Pav's many times. We certainly want to see
20 you guys succeed. But I just -- I do have
21 concerns.

22 And I think you hit on one of them,
23 Mr. Flechtner, is this turn-around in the
24 back. And -- and I am going to couple with
25 that, I think we identified that 22 feet is

1 code. My concern is -- is that as you back
2 that retaining wall up, you are talking a
3 significantly taller wall other than 20
4 inches.

5 You are probably getting closer -- as
6 Mr. Osborne said -- I have been there several
7 times, including this afternoon. You are
8 talking probably closer to 5 or 6 feet.
9 Because that -- you have 20 feet for the
10 parking stalls, plus another 22 feet. That
11 puts you back to about the crest of the hill.
12 So it is going to be a significantly taller
13 retaining wall.

14 And I will note -- I don't know if this
15 is maybe a mistake, but this has changed
16 since the last drawings that we have. The
17 last drawing actually showed a much narrower
18 strip of grass compared to this one here.

19 MR. YOUNG: Right.

20 MR. MCCLEASTER: So that was a concern
21 that I had. I think it needs to be changed.
22 Let's see. The other one was -- is we had
23 talked about the parking spots in the back.
24 And I guess I have a question about the total
25 number of parking spots. The spots directly

1 behind the building, there are four spots
2 listed. There is only -- those are not to
3 code. They are not 10 feet wide. And you
4 have space for three of them. But four are
5 listed.

6 And along with that -- I counted this
7 three times -- where are my notes? I counted
8 one less parking spot. So I guess I'm
9 concerned; what is the actual requirement?

10 John, do we have the actual required
11 number of parking spots that they are
12 required to have? Are we still within it,
13 even with the overflow?

14 MR. STIGALT: Yeah, well, they well
15 exceed.

16 MR. MCCLEASTER: Okay. And that's
17 what --

18 MR. STIGALT: They well exceed.

19 MR. MCCLEASTER: That's what I thought.
20 Okay.

21 MR. STIGALT: Even if you remove the
22 four -- four at that --

23 MR. MCCLEASTER: Right.

24 MR. STIGALT: -- apartment, they still
25 exceed what they need.

1 MR. MCCLEASTER: Those are the bulk of my
2 concerns, just the retaining wall, where
3 it's -- where it's that's not adequate.

4 MR. YOUNG: Right.

5 MR. MCCLEASTER: And then the four spots
6 in the back. The other question I have is --
7 is talking about the actual material for
8 the -- for the lot. And, again, I'm not an
9 industry professional. When you are talking
10 the recycled asphalt, are we talking -- is
11 this going to be, you know, heated and
12 rolled, such as like any asphalt parking is,
13 or are you going to -- are you just
14 envisioning backing a dump truck up and
15 spreading it out and --

16 MR. YOUNG: Right. Right. Yes, I'll go
17 back to the first question or first concern
18 about the --

19 MR. MCCLEASTER: I gave you a lot. I
20 apologize.

21 MR. YOUNG: Yeah. No problem. Actually,
22 the City told us 14 feet for the circular --
23 the circulation aisle.

24 MR. FLECHTNER: No. No.

25 MR. MCCLEASTER: You are incorrect.

1 MR. FLECHTNER: You need to get with
2 John.

3 MR. YOUNG: Sure.

4 MR. FLECHTNER: He'll show you. That can
5 be reduced if you put angled parking there.
6 You --

7 MR. MCCLEASTER: Not much, though, I
8 don't believe.

9 MR. FLECHTNER: Yes. Yes -- well,
10 whatever. But I think that is an issue that
11 we -- would be ultimately approved by the
12 building department and engineering.

13 MR. YOUNG: Sure.

14 MR. FLECHTNER: And -- yeah.

15 MR. YOUNG: No. We are happy to -- we
16 are happy to work with John and his team.

17 MR. FLECHTNER: He has the drawings that
18 show where that aisle --

19 MR. YOUNG: I agree 14 feet would be
20 tight.

21 MR. FLECHTNER: Yeah.

22 MR. YOUNG: That's what I'm -- it's what
23 our engineers came up with from the code.
24 But it -- in any event, we'll work with John
25 on that.

1 MR. FLECHTNER: Yeah.

2 MR. YOUNG: The one reason why we
3 actually wanted it as tight as the code would
4 like it, though, is because the more soft
5 bank you preserve, the more -- the better it
6 looks, less expensive, but mainly it -- it --
7 it minimizes drainage issues. So you want
8 that green bank -- as much of the green bank
9 as possible.

10 MR. FLECHTNER: Right.

11 MR. YOUNG: It's also one way. You know,
12 the way it's designed, it's one way in and
13 one way out. So that would --

14 MR. FLECHTNER: Well, you could -- you'd
15 draw the one way better with an angled
16 parking.

17 MR. YOUNG: Yeah, absolutely. And,
18 actually, that actually is a --

19 MR. FLECHTNER: And if you got more than
20 enough parking, you --

21 MR. YOUNG: Right.

22 MR. FLECHTNER: -- you know --

23 MR. YOUNG: That's a good idea.

24 MR. FLECHTNER: And you're losing those
25 two -- maybe one or two there.

1 MR. YOUNG: Right.

2 MR. FLECHTNER: It wouldn't be --

3 MR. MCCLEASTER: I --

4 MR. FLECHTNER: -- a problem.

5 MR. MCCLEASTER: I apologize. I keep
6 talking over you. I apologize.

7 The width of the aisle goes down to 18
8 feet, per code, if you have a 45-degree
9 parking.

10 THE REPORTER: Wait. Say that again,
11 Jamie.

12 MR. MCCLEASTER: I'm sorry. The width of
13 the aisle required by code goes down to 18
14 feet, if you have 45-degree parking.

15 MR. FLECHTNER: Right.

16 MR. MCCLEASTER: So it's something to
17 consider.

18 MR. DEORIO: And if I'm not mistaken, I
19 think you worked with John and talked with
20 him about doing the angled parking. And they
21 did that just prior -- earlier today or
22 yesterday.

23 MR. YOUNG: And our objective is the same
24 as yours. We want to make sure that it's
25 safe coming in and out, obviously, and also

1 that -- to the extent that we can maximize
2 the green bank, all the better for everybody.

3 And then to your question about the
4 recycled asphalt pavement, that is -- it's
5 not like heated and poured molten. It's
6 typically round.

7 MR. MCCLEASTER: Okay.

8 MR. YOUNG: And it is -- and then it's
9 spread and then rolled. But it -- the
10 recycled asphalt retains enough of the tar
11 from the original asphalt to bind.

12 But the advantage of it is -- so it looks
13 good; it looks like -- I sent you a picture
14 of it. It look goods, but the advantage for
15 this lot or for this purpose is that it's
16 much more permeable than -- than concrete or
17 virgin asphalt.

18 MR. MCCLEASTER: I mean, I guess I would
19 direct a question to Mr. Stigalt and Mr.
20 Graham. Does a hard surface such as that
21 meet our requirements for -- for a parking
22 lot?

23 And I guess the second question along
24 with that would be, is -- how does that stand
25 up over time? I mean, to me, it sounds like

1 something that could be -- I don't want to
2 call it flimsy, but it sounds like something
3 that might not hold up over more than a
4 couple years. Or maybe for a driveway it
5 would make good sense, but not for a parking
6 lot.

7 MR. YOUNG: Yeah, right. There -- oh,
8 sorry. I didn't mean to answer your
9 question.

10 MR. GRAHAM: One of the things our office
11 will definitely want to take a hard look at
12 is the specifications. Obviously, we like
13 the idea of a porous-type pavement, with --
14 with the houses and the garages across Baker
15 Court; one is a busy street. So if we can
16 lessen the aisle -- or make the aisle wider
17 and then keep as much of that green space and
18 bank with a retaining wall behind it, to keep
19 that a co-efficient of grass, and then
20 permeable pavement of some sort.

21 But, yeah, I mean, there is some
22 sacrifice with maintenance, something they
23 are going to have to maintain. The snowplows
24 will grab it. But then again, how often is
25 the overflow lot going to be used in the

1 off-season?

2 MR. MCCLEASTER: Right.

3 MR. GRAHAM: But all things, yeah, we'll
4 work with the Applicant on.

5 MR. MCCLEASTER: But, again, that
6 material would be approvable by the City?

7 MR. GRAHAM: Right. It's not something
8 that's dusty or -- you know, we wouldn't want
9 a gravel lot there, so when traffic pulls in,
10 folks next door with the windows open, that
11 would be very inconsiderate. So we would
12 take a look at that.

13 But, yes, I think we'll come to some sort
14 of agreement on cement. A lot of zoos,
15 whatnot, have permeable pavement, for
16 environmental-friendly reasons. And we'll
17 work with them and come up with something we
18 can live with.

19 MR. YOUNG: After -- after I heard the
20 contractor's recommendation for it, I had
21 never heard of recycled asphalt paving. So I
22 did more research and learned a lot more than
23 I ever thought I would.

24 But there is quite a bit of Federal
25 Highway Administration studies on recycled

1 asphalt. And it is considered a -- a
2 legitimate hard surface for roads. It's
3 stripe-able. But as Rob said, it's -- it's
4 more permeable than -- than virgin asphalt or
5 concrete.

6 MR. MCCLEASTER: All right. I think
7 those were the bulk of my questions on the
8 parking.

9 MR. VOLAS: I have a question. In your
10 opening comments, you said something that you
11 are considering buying the adjacent property.
12 Did I hear you correctly?

13 MR. YOUNG: Correct. We -- it's under
14 contract for us to purchase the property. So
15 the license issue goes away, essentially.

16 MR. VOLAS: Okay. And at that point, if
17 you are the owner, what would be your plans
18 for the existing structure?

19 MR. YOUNG: That's a good question. We
20 have been -- we have initiated discussions
21 with the City about what they would like it
22 to be used for. I think there is a consensus
23 that probably not an auto shop or a used car
24 lot or something like that. So we are -- we
25 are looking at various options that we'll

1 bring back to the Planning Commission that
2 enhance the whole area and -- and sort of
3 augment what has become a nice little --
4 between Pav's and El Rincon, a nice little
5 destination for City residents.

6 MR. VOLAS: So, I mean, if you are the
7 owner of it, will you consider, as one of
8 those options, demolishing the existing
9 structure and then extend the parking
10 throughout the entire site?

11 MR. YOUNG: Our preference would not be
12 to do that. We would definitely rehab -- if
13 we don't demolish it, we would definitely
14 rehab it. And because the -- we have looked
15 at a lot of, you know, former gas stations
16 that have been rehabbed and modernized. And
17 if you do it right, there is a really classic
18 retro look you can get that fits in with any
19 number of concepts that we are -- we are
20 looking at.

21 Certainly, we'll take what's there now
22 and -- and there is a lot of work that has to
23 be done on that building to rehabilitate.
24 But we think it can be done. It's a nice
25 space. But we think it can be done in a way

1 that is very attractive.

2 MR. VOLAS: Thank you.

3 MR. FLECHTNER: Any further questions?

4 (No response.)

5 MR. FLECHTNER: Is there a motion?

6 MR. VOLAS: I have a question.

7 MR. FLECHTNER: Yes.

8 MR. VOLAS: If there is a motion, it has
9 got to be unanimous, right, in order for it
10 to pass?

11 MR. FLECHTNER: Correct.

12 MR. VOLAS: Because there are three of
13 the five of us here.

14 MR. FLECHTNER: Correct. Correct.

15 MR. VOLAS: Does the Applicant want us
16 to -- I mean, does the Applicant want to take
17 that risk, or does it -- you want to wait for
18 more people to be on the Commission? I just
19 thought I'd offer that.

20 MR. DEORIO: Is there a reason not
21 to grant them the conceptual approval to move
22 forward with the parking?

23 MR. MCCLEASTER: Well, is this conceptual
24 or final? I thought it was final.

25 MR. FLECHTNER: We could approve a

1 preliminary --

2 THE REPORTER: Say again.

3 MR. FLECHTNER: We could approve it a
4 preliminary plat, and then come back with
5 basically the same as a final. But I don't
6 know what that is gaining.

7 MR. VOLAS: And so any motion that we
8 make would be contingent on some of the
9 recommended changes by the other Commission
10 members? Or are we -- or are they asking us
11 to approve a plan tonight as submitted?

12 MR. FLECHTNER: Well, as submitted with
13 modifications with -- we requested with the
14 building superintendent. Building and the
15 engineer will have, you know, their final
16 approval.

17 MR. VOLAS: So I'm going to make a motion
18 to approve the plan as submitted, subject to
19 the final approval of the engineering
20 department and the building department,
21 specifically addressing the parking along
22 Baker Court --

23 MR. MCCLEASTER: Add this in, too.

24 MR. VOLAS: And the parking spaces to the
25 east of the existing building. There are

1 four parking spaces in the back.

2 MR. MCCLEASTER: And I will second that
3 motion with those requirements.

4 MR. FLECHTNER: We also have the drive
5 approach off of Main Street, and the parking.

6 MR. VOLAS: And so my --

7 MR. FLECHTNER: Well, I think --

8 MR. VOLAS: -- my motion considers --

9 MR. FLECHTNER: -- if you're talking --

10 MR. VOLAS: -- those two items. If
11 you're --

12 MR. FLECHTNER: Rob and John are well
13 aware of the issues.

14 MR. VOLAS: Well, I just wanted to -- for
15 the record, I want to make sure we are all
16 clear.

17 MR. FLECHTNER: If you want to have your
18 motion con -- contain those four items, yeah,
19 that's fine.

20 MR. VOLAS: Okay. So let's just review
21 what those are, the four items, before I
22 restate my motion. Or I have to amend my
23 motion?

24 MR. FLECHTNER: No.

25 MR. DEORIO: Since it was -- it was

1 seconded. You --

2 MR. VOLAS: It was seconded, yes.

3 MR. DEORIO: So --

4 MR. VOLAS: You ask if I want an
5 amendment, right?

6 MR. FLECHTNER: Yeah, so -- your next --
7 yeah. All right. So you indicated the Baker
8 Court, the four spaces to the rear of the
9 existing building.

10 MR. MCCLEASTER: Uh-huh.

11 MR. FLECHTNER: The two spaces to the
12 north, and --

13 THE REPORTER: And --

14 MR. FLECHTNER: Two parking spaces north,
15 at the north end of the property -- adjacent
16 property, and the drive approach in front of
17 the -- the ingress and egress in front of the
18 existing building; eliminate --

19 MR. VOLAS: All right. I will accept
20 those -- those items.

21 MR. FLECHTNER: That would be an
22 amendment?

23 MR. VOLAS: Yes.

24 MR. MCCLEASTER: And I'll second that
25 motion.

1 MR. FLECHTNER: So we are voting on the
2 amendment.

3 MR. DEORIO: We are going to amend the
4 motion.

5 MR. FLECHTNER: Right.

6 MR. MCCLEASTER: Right.

7 MR. FLECHTNER: We have to vote for the
8 amendment, then we vote for the motion --

9 MR. VOLAS: I'm the one that -- I'm
10 allowed to make a change to my motion, to --

11 MR. FLECHTNER: You are amending the
12 original motion. So we are going to vote on
13 that amendment. Correct, Tim?

14 MR. FOX: Yes.

15 MR. FLECHTNER: Roll call, please.

16 MS. KRENDICK: Mr. McCleaster.

17 MR. MCCLEASTER: Yes.

18 MS. KRENDICK: Mr. Volas.

19 MR. VOLAS: Yes.

20 MS. KRENDICK: Mr. Flechtner.

21 MR. FLECHTNER: Yes.

22 And now we are voting on the motion as
23 amended, approval as amended; the four items,
24 as well as the engineering and building
25 department approvals.

1 Any further questions?

2 MR. VOLAS: No.

3 MR. FLECHTNER: Roll call, please.

4 MS. KRENDICK: Mr. Volas.

5 MR. VOLAS: Yes.

6 MS. KRENDICK: Mr. McCleaster.

7 MR. MCCLEASTER: Yes.

8 MS. KRENDICK: And Mr. Flechtner.

9 MR. FLECHTNER: Yes.

10 Okay. That is all I have on the agenda.

11 MR. FOX: We have the conditional use,
12 adjudication hearing.

13 MR. FLECHTNER: You are right.

14 MR. FOX: The fun starts.

15 MR. FLECHTNER: Thank you.

16 MR. FOX: Yes, sir.

17 MR. FLECHTNER: All right. Now we are
18 looking at a conditional use about 624 South
19 Main Street, Lot 58, for outdoor seating.

20 MR. FOX: And would the court reporter
21 swear in anyone that wishes to offer
22 testimony, evidence for the adjudication
23 hearing, have them sworn in?

24 UNIDENTIFIED SPEAKER: 708, not 624.

25 MR. FLECHTNER: Pardon?

1 UNIDENTIFIED SPEAKER: It's 708, not 624.
2 The outdoor seating is for 708.

3 MR. FLECHTNER: All right.

4 UNIDENTIFIED SPEAKER: I just wanted to
5 make sure you --

6 MR. FLECHTNER: 708 South Main Street.
7 But it's Lot 58, so regardless --

8 MR. YOUNG: It's Lot 330.

9 MR. FLECHTNER: Pardon?

10 MR. YOUNG: It's Lot 330. It's not --
11 it's Lot 330.

12 MR. FLECHTNER: Lot 330?

13 MR. YOUNG: Right.

14 MR. FLECHTNER: Okay. Is there anything
15 the proponents want to add on the outdoor
16 seating?

17 MR. FOX: We want to have the court
18 reporter swear in anyone that's going to
19 offer testimony.

20 MR. FLECHTNER: Even the --

21 MR. FOX: Yes, sir. Everyone. Everyone.

22 (Whereupon, individuals were sworn by the
23 Court Reporter.)

24 MR. FLECHTNER: Thank you.

25 MR. PAPPAS: Once again, Nik Pappas, 1321

1 Coons Road. I am the majority owner of Pav's
2 Creamery, and I am asking to extend our
3 outdoor seating permit -- or outdoor seating
4 by adding an additional 16 outdoor seats.
5 That is well within our requirement of our 25
6 percent occupancy, total occupancy, which is
7 150, for that building.

8 So it goes on not seated occupancy. It
9 goes on total occupancy. That's per our --
10 as per our architect explained. And what we
11 are looking to do is just add six -- take
12 away six parking spaces and add six benches,
13 so people can sit outside.

14 We would provide fencing, the same
15 fencing that we have for our other locations,
16 which is provided by Acme Fence. It would be
17 aluminum fencing all around, so it would be
18 gated.

19 And it would also liaise with the
20 requirements by the State liquor license,
21 because we do have liquor permits. That's
22 already been submitted to our attorney, as
23 well as to Fay McCallihan, which is the
24 inspector for this region for the liquor.
25 And as long as our signage and ingress and

1 egress is compliable to what record shows,
2 then we can -- we would have no issue by
3 State.

4 So with no further ado, I'll be happy to
5 answer any questions.

6 MR. MCCLEASTER: What is your seating
7 capacity?

8 MR. PAPPAS: Seated capacity?

9 MR. MCCLEASTER: Yes.

10 MR. PAPPAS: Is 56.

11 MR. MCCLEASTER: Fifty-six. Okay.
12 Because correct me if I'm wrong, Mr. Fox,
13 if -- we are not allowed to exceed 25 percent
14 of the restaurant seating capacity; is that
15 correct?

16 MR. FOX: Correct.

17 MR. MCCLEASTER: Okay. I'm sorry. Say
18 that again. Fifty-six?

19 MR. PAPPAS: Fifty-six. But, again, from
20 our understanding, it's the building
21 occupancy, not the seated occupancy, so --
22 because you have people that are capable of
23 standing in your facility. So seated
24 occupancy and total occupancy was a different
25 calculation.

1 MR. MCCLEASTER: I'm going by what I have
2 in front of me, which I'm assuming -- which I
3 don't know what code this is. 1145.07,
4 supplemental regulations for certain uses;
5 and it says the outside seating capacity
6 shall not exceed 25 percent of restaurant
7 seating capacity.

8 MR. PAPPAS: Well, if --

9 MR. FLECHTNER: That --

10 THE REPORTER: Wait. Guys, one at a
11 time.

12 MR. PAPPAS: If that is the case -- and
13 this is -- I'm not -- I'm not doing this by
14 my own homework. I'm doing it by our
15 architect, who has gone over this. So I
16 apologize if that information is wrong.
17 That's what they provided for us.

18 So whatever the code is, we would
19 obviously follow the code to what we are
20 allowed to do. But we would still use the
21 same square footage, whether it's seated or
22 not. We would still want the same square
23 footage for the area.

24 MR. FLECHTNER: John, can you clarify
25 that issue?

1 MR. STIGALT: It's what the ord -- well,
2 there is a conflict between our zoning and
3 the building code. The building code allows
4 more people to -- based on the occupancy, not
5 only of the building, but of the area or
6 space that is being proposed.

7 Our zoning code changes that to reflect
8 different capacity. So I'm not sure which
9 number the Applicant is getting his numbers
10 from, if they are using the building code
11 or --

12 MR. PAPPAS: So we are going from -- we
13 are going from the -- what we submitted in
14 our building plans, whatever our occupancy --
15 our building occupancy allows. It's 25
16 percent of that. So whatever our
17 architectural plans submitted, it's whatever
18 that is.

19 MR. FOX: And if you look at 1153.04,
20 (C)(2), the closest thing that describes my
21 understanding of how Pav's operates is it's a
22 counter service, where folks order, they
23 receive it, and then they -- they sit down.
24 And it's not a stand-alone building. You're
25 part of that building.

1 MR. PAPPAS: Yes.

2 MR. FOX: So it's part of a shopping
3 center. So the minimum parking spaces, under
4 that requirement, is ten, or one space per 50
5 square feet of floor area, whichever is
6 greater.

7 MR. PAPPAS: Than the floor area would be
8 greater.

9 MR. FOX: Yes, sir.

10 MR. DEORIO: That's parking, though.

11 MR. FLECHTNER: That's parking.

12 MR. DEORIO: We are talking about outdoor
13 seating.

14 MR. FLECHTNER: Seating. Seating.
15 Well -- yeah.

16 MR. FOX: All right.

17 MR. DEORIO: But I guess what I would
18 offer to the Commission, when you look at the
19 percentages, if you take 25 percent of 56, I
20 think you come up to 14.

21 MR. FLECHTNER: Right.

22 MR. DEORIO: Take 20 percent of 56, you
23 come up, I guess, 10.8; so round it to 11.
24 So you are looking at three seats.

25 Is that really -- and they are in the

1 Main Street Business District, and that's the
2 whole point. I mean, does an additional
3 three seats constitute, you know, some sort
4 of change in character to the -- to the area,
5 that we wouldn't want that to happen?

6 This is what I -- where you -- where you
7 have that flexibility. We are not looking at
8 numbers that we are talking about 80 people
9 versus 12 people. We are talking between 11
10 and 14.

11 MR. PAPPAS: And just to add, as an
12 operation, this is a safety issue more than
13 anything else. We are having currently, on
14 hot summer nights, people just standing in
15 the parking lot, because there is nowhere
16 else to sit inside. So where you got
17 customers coming in, kids with them, parking
18 in your patio, if you can contain them in a
19 protected area, I mean -- again, this is not
20 so much seated capacity. This is protected
21 capacity that I am keen on. So whether or
22 not it's 16 or 13 or 36, it's the area of
23 what I would like to have as a -- as a patio
24 space.

25 MR. MCCLEASTER: Sure. And I certainly

1 agree with the need for it. I just want to
2 make sure that, you know, what I vote on is
3 within the letter of the law. That's, you
4 know, why I'm asking.

5 So, I guess, for further clarification,
6 what is the code that we would go by then to
7 come up with this calculation? I mean, I
8 would be inclined to say it would be great
9 for him to have the 24 seats, but if we can't
10 allow that, Council can't even vote for that.

11 MR. DEORIO: I think they are asking for
12 14.

13 MR. MCCLEASTER: Or 24, is what I have on
14 my paper.

15 MR. DEORIO: Well, 25 percent --

16 MR. PAPPAS: I'll take whatever you guys
17 give me.

18 MR. MCCLEASTER: Two? No.

19 MR. FLECHTNER: Where you getting the 24?

20 MR. MCCLEASTER: I have a sheet of paper
21 right here that says they're looking for --
22 the seating will consist of four hex recycled
23 plastic picnic tables, 46 inches; and,
24 apparently, they are made out of cedar, and
25 seats six per table, for a total occupancy of

1 24.

2 MR. PAPPAS: That's correct.

3 MR. MCCLEASTER: This sheet.

4 MR. PAPPAS: That was my word. It wasn't
5 by my architect. But it's definitely
6 coming -- it's whatever you allow. I mean,
7 I'm not asking for --

8 MR. FLECHTNER: I'll go on the decision
9 of the building department. Okay. Any --
10 yes, sir.

11 MR. OSBORNE: Chuck Osborne, 307 Fairview
12 Street, Southeast, North Canton, Ohio. I am
13 disappointed in the City Engineer, as far as
14 the paving for the parking lot. You have got
15 to have a base. I don't care whether you put
16 down concrete or asphalt. This parking lot
17 surface is not going to last one season.

18 MR. FLECHTNER: Excuse me.

19 MR. OSBORNE: I knew you were going to do
20 this, Mr. Flechtner.

21 MR. FLECHTNER: We are not talking about
22 the parking lot.

23 MR. OSBORNE: We are talking about the
24 whole overall --

25 MR. FLECHTNER: No. That was the last

1 issue. We are talking about the outdoor
2 seating.

3 MR. FOX: Right.

4 MR. OSBORNE: And that wasn't covered, a
5 base for the parking lot surface.

6 MR. FLECHTNER: It was.

7 MR. DEORIO: That's the other side.

8 MR. OSBORNE: This has been the biggest
9 circus that I have ever seen in my life.

10 MR. FLECHTNER: That's -- well --

11 MR. OSBORNE: Nobody wants to stand up
12 for your own laws.

13 MR. FLECHTNER: If you want to deal with
14 the issue we are discussing, it is the
15 outdoor seating --

16 MR. OSBORNE: Mr. Flechtner, I have seen
17 you up here for 18 years. You have never
18 been friendly with anybody who comes up here.

19 MR. FOX: Mr. Chairman --

20 MR. FLECHTNER: I take exception to that.

21 MR. FOX: -- I object to his testimony.

22 MR. OSBORNE: This has been a circus.
23 Nobody wants to stand up for our laws. You
24 have let this -- you basically approve this
25 and just hand it over to them --

1 MR. FLECHTNER: Please.

2 MR. OSBORNE: And hope that they do what
3 they are supposed to do.

4 THE REPORTER: Wait.

5 MR. FLECHTNER: Please address the issue
6 that we are discussing, and it's the outdoor
7 seating.

8 MR. OSBORNE: This is the saddest thing
9 of government I have ever witnessed in my
10 life.

11 MR. FLECHTNER: Well, you used to be a
12 part of it.

13 MR. OSBORNE: Not like this,
14 Mr. Flechtner.

15 MR. FLECHTNER: All right. Anything
16 else?

17 MR. FOX: Those are the only two that
18 were sworn in.

19 MR. FLECHTNER: Sworn in. So other
20 questions of the Commission?

21 MR. VOLAS: No, none from me.

22 MR. MCCLEASTER: I guess I just wait for
23 a clarification on our calculation over
24 there. Because I wanted to -- I want to -- I
25 wonder if it has to go to -- if this has to

1 be a variance from the ZBA, if they are
2 looking for 24 seats.

3 MR. VOLAS: Can we also ask the Applicant
4 to amend their request to what's permissible
5 under the current zoning?

6 MR. FLECHTNER: I think he sort of
7 alluded to that.

8 MR. VOLAS: Right. Let's just make it
9 clear.

10 MR. FLECHTNER: You want to get that on
11 the record, please?

12 MR. PAPPAS: I amend the request to
13 whatever we are allowed. Thank you.

14 MR. FLECHTNER: Thank you.

15 Any further discussion?

16 (No response.)

17 MR. FLECHTNER: Is there a motion?

18 MR. MCCLEASTER: Real quick, I guess I
19 just do have another question. So if we are
20 leaving the square footage the same, the 800
21 square feet, according to this sheet, and we
22 amend it to whatever is permitted by code,
23 which let's just say it's four -- again, I
24 know these are upstanding gentlemen. But
25 what happens as more picnic tables show up?

1 Does that create a problem for us? Do we
2 then need to reduce the size of the patio?
3 Which I agree is probably not in the best
4 interest of them, but --

5 MR. FLECHTNER: Well, to increase the
6 size of the patio would require a building
7 permit. They'd go by the building
8 department.

9 MR. FOX: The building department would
10 be responsible for enforcing the number of
11 seats out there. It's pretty clear if the
12 seats are more than the established -- than
13 established, that it's their responsibility
14 to rectify that.

15 And if this is altered, perhaps later on,
16 once Council has an opportunity with the Main
17 Street Business District, it could come back
18 and have that -- perhaps that outside area
19 expanded.

20 MR. VOLAS: So just to be clear, we are
21 not asking them to change the size of the
22 patio; just the seating that's permissible?

23 MR. FOX: Yes, sir.

24 MR. FLECHTNER: Yes.

25 MR. VOLAS: All right. That's fine.

1 MR. FLECHTNER: Is there a motion?

2 MR. MCCLEASTER: I guess I'm still
3 just -- and maybe I'm belaboring the point,
4 and I apologize if I am. What is the code
5 that we are going by in establishing --
6 again, I realize that we are going to go
7 whatever the maximum is. I'm just -- at this
8 point, I'm more curious than anything, how
9 many seats --

10 MR. FLECHTNER: That's the -- up to the
11 building department.

12 MR. MCCLEASTER: Okay.

13 MR. FLECHTNER: The building --

14 MR. DEORIO: Twenty-five percent of the
15 seating capacity.

16 MR. MCCLEASTER: All right.

17 MR. DEORIO: So 14.

18 MR. MCCLEASTER: Fourteen. Okay.

19 MR. DEORIO: That's it.

20 MR. MCCLEASTER: I would -- I move that
21 we approve the outdoor seating, provided that
22 the seating capacity falls in line with City
23 code.

24 MR. FLECHTNER: Is there a second?

25 MR. VOLAS: I'll second it.

1 MR. FLECHTNER: Any further discussion?

2 (No response.)

3 MR. FLECHTNER: Roll call, please.

4 MS. KRENDICK: Mr. McCleaster.

5 MR. MCCLEASTER: Yes.

6 MS. KRENDICK: Mr. Volas.

7 MR. VOLAS: Yes.

8 MS. KRENDICK: And Mr. Flechtner.

9 MR. FLECHTNER: Yes.

10 All right. Now, nothing else on the
11 agenda. Anything in the works for next
12 month? Do you see anything coming down the
13 line? Any discussion?

14 MR. STIGALT: Not that I know of at this
15 time.

16 MR. MCCLEASTER: The table item.

17 MR. FLECHTNER: Pardon?

18 MR. MCCLEASTER: Potentially the table
19 item.

20 MR. FLECHTNER: Yes. So we'll be looking
21 at October 3rd or 10th.

22 MR. MCCLEASTER: That should do it.

23 MR. FLECHTNER: So if and when that is
24 resolved, we'll get an e-mail, their
25 availability.

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With that, I'll entertain a motion to adjourn.

MR. DEORIO: Is Mr. Serra still here?

MR. VOLAS: Yeah, he is, actually.

(Whereupon, Mr. Serra re-enters the room.)

MR. FLECHTNER: I'm sorry. We are done. We may have -- if the item that was tabled, that could be back in October, the 3rd or 10th. We need a date.

MR. SERRA: No problem.

MR. FLECHTNER: I'll entertain a motion to adjourn.

MR. MCCLEASTER: So moved.

MR. FLECHTNER: Is there a second?

MR. VOLAS: Second.

MR. FLECHTNER: All in favor?

MR. MCCLEASTER: Aye.

MR. VOLAS: Aye.

MR. SERRA: Aye.

MR. FLECHTNER: Aye.

Thank you.

(This proceeding concluded at 8:56 p.m.)
