

City of NORTH CANTON, OHIO

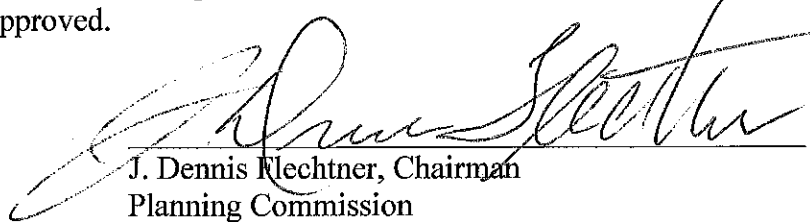
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PLANNING COMMISSION

APPROVAL OF OCTOBER 3, 2018 MINUTES

After review of the minutes of the Planning Commission Meeting held October 3, 2018 at 7:00 p.m., the minutes have been approved.



J. Dennis Flechtner, Chairman
Planning Commission

_____, Member
Planning Commission

CITY OF NORTH CANTON, OHIO

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IN RE:)
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NORTH CANTON)
PLANNING COMMISSION)
PUBLIC HEARING) **TRANSCRIPT OF PROCEEDINGS**
)

Transcript of Proceedings, taken 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 3rd day
of October, 2018, at 7:00 p.m.

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APPEARANCES:

- J. Dennis Flechtner, Chairman
- Thomas Serra, Member
- Peter Volas, Member
- Jamie McCleaster, Member
- Eric Dalpiaz, Member
- Timothy Fox, Director of Law
- Patrick DeOrion, Director of Administration
- John Stigalt, Chief Building Officer
- Christine Whittenberger

1 MR. FLECHTNER: I'll call the meeting to
2 order. Roll call, please.

3 MS. WHITTENBERGER: Mr. Volas.

4 MR. VOLAS: Here.

5 MS. WHITTENBERGER: Mr. Serra.

6 MR. SERRA: Here.

7 MS. WHITTENBERGER: Mr. Dalpiaz.

8 MR. DALPIAZ: Here.

9 MS. WHITTENBERGER: Mr. McCleaster.

10 MR. MCCLEASTER: Here.

11 MS. WHITTENBERGER: Mr. Flechtner.

12 MR. FLECHTNER: Here.

13 Okay. The first item on our agenda is
14 the submittal of the minutes of August 1st,
15 2018.

16 MR. SERRA: Mr. Chairman, I make a motion
17 to approve the August 1st, 2018 minutes.

18 MR. FLECHTNER: Is there a second?

19 MR. MCCLEASTER: Second.

20 MR. FLECHTNER: Any discussion?

21 (No response.)

22 MR. FLECHTNER: Roll call, please.

23 MS. WHITTENBERGER: Mr. Volas.

24 MR. VOLAS: Yes.

25 MS. WHITTENBERGER: Mr. Serra.

1 MR. SERRA: Yes.

2 MS. WHITTENBERGER: Mr. Dalpiaz.

3 MR. DALPIAZ: Yes.

4 MS. WHITTENBERGER: Mr. McCleaster.

5 MR. MCCLEASTER: Yes.

6 MS. WHITTENBERGER: Mr. Flechtner.

7 MR. FLECHTNER: Abstain.

8 We also have the minutes of our September

9 5th, 2018 meeting.

10 MR. MCCLEASTER: I move we accept the

11 minutes.

12 MR. FLECHTNER: Is there a second?

13 MR. VOLAS: Second.

14 MR. FLECHTNER: Any discussion?

15 (No response.)

16 MR. FLECHTNER: Roll call, please.

17 MS. WHITTENBERGER: Mr. Volas.

18 MR. VOLAS: Yes.

19 MS. WHITTENBERGER: Mr. Serra.

20 MR. SERRA: Yes.

21 MS. WHITTENBERGER: Mr. Dalpiaz.

22 MR. DALPIAZ: Abstain.

23 MS. WHITTENBERGER: Mr. McCleaster.

24 MR. MCCLEASTER: Yes.

25 MS. WHITTENBERGER: Mr. Flechtner.

1 MR. FLECHTNER: Yes.

2 Next item on the our agenda is a public
3 hearing, the adoption of the Main Street
4 Business District map. First I'll call on
5 Mr. DeOrio to go through.

6 MR. DEORIO: Okay.

7 MR. FLECHTNER: I know we did this last
8 week, but let's get it in this -- these
9 minutes.

10 MR. DEORIO: Thank you, Mr. Chairman.
11 The impetus for this started, you know, some
12 time ago. If you may recall, at various
13 Planning Commission meetings in the past,
14 where applicants would come and look to seek
15 relief for their properties, business
16 properties along Main Street, and due to the
17 code, they were unable to comply because
18 their lot sizes were too small.

19 The Planning Commission had indicated
20 that their hands were kind of tied; that
21 there was not much you could do, because
22 there wasn't a map. We didn't know.
23 Although the Main Street Business District
24 was created and was put in the code some time
25 ago, there wasn't a map indicating what

1 that -- those parcels were.

2 So that request then fell onto the City
3 Council. The City Council had committee
4 meetings, readings, made a request that a map
5 be created and sent back to the Planning
6 Commission for consideration. Myself, Chief
7 Building Official, Mr. Stigalt, worked on
8 this map in trying to create what was in the
9 spirit of the Main Street Business District,
10 which was to look at the parcels and try to
11 determine which ones were the ones that we
12 are having issues with, size constraints.

13 And after looking at every single parcel,
14 looking every one up on the Stark County
15 Auditor's Web site, and looking at the data,
16 and then looking at the maps, we were able to
17 determine that, basically, lots that were
18 approximately an acre or smaller were the
19 ones that were having issues with trying to
20 meet various codes, as required setbacks,
21 signage, lighting, parking.

22 Lots that had, you know, one and a
23 quarter acre or more and up didn't seem to
24 have those types of issues. And so as we
25 went through this, it didn't make sense that

1 even though -- you know, of course, the
2 K-Mart property isn't on Main Street, and,
3 you know, in the -- in the spirit of between
4 Everhard and -- or Orion, should they be
5 given leeway on all those subjects today,
6 when they have the space to deal with those
7 issues.

8 So that was the intent in going through
9 there. And we were able to indicate, with
10 the blue-purple color, that those parcels
11 that fit the -- the bill from a size
12 standpoint were given that indication. It
13 was not taken into consideration, you know,
14 what the use of the parcel was. It was
15 just -- because the use can change. It's the
16 matter of what size is the parcel. So
17 that's -- that's the background.

18 MR. FLECHTNER: Mr. Stigalt, anything
19 else you want to add?

20 MR. STIGALT: Just to say that this is a
21 very important piece to help relieve -- give
22 relief to the developers for those lots,
23 because as Mr. DeOrio mentioned, it will
24 enhance and create an atmosphere that
25 developers will want to come here and develop

1 those areas without the major constraints as
2 they had in the other districts. That's it,
3 Mr. Chairman.

4 MR. FLECHTNER: Thank you. With that,
5 I'll open it up to anyone in the audience
6 that might have any comments on this issue.
7 Come forward. Give your name.

8 MR. OSBORNE: Chuck Osborne, 307 Fairview
9 Street, Southeast, North Canton, Ohio. I
10 just think this whole endeavor is misguided.
11 You want to basically lock North Canton into
12 the '60s.

13 These small lots need to be zoned out of
14 existence, just like R-250. I have been up
15 here preaching for several years. They are
16 not functional. But you are bending over
17 backwards to keep these small lots in
18 existence, these old hundred-plus year homes
19 now that have limited ingress, egress,
20 parking issues, and on and on. I haven't
21 examined this, because you are going to do
22 what you are going to do anyway.

23 I see you even got the Eric's Grocery
24 Bag, the former Eric's Grocery Bag in this as
25 a -- I don't know why. All these Main Street

1 businesses back right up against a
2 residential property. Why are you trying to
3 cram more activity on these little businesses
4 right next to homes?

5 Anything that will move this City forward
6 as far as business is going to require
7 consolidation of numerous parcels. We have
8 the bank up here, Premier Bank. I don't know
9 how many parcels it consumed. It turned out
10 to be a very nice development, a very -- an
11 enhancement for Main Street.

12 But what you are doing here I think is
13 ludicrous and you are going to find out that,
14 well, we didn't need this anyway. So anyway,
15 I'm just not impressed with this at all.
16 Thank you.

17 MR. FLECHTNER: Thank you.

18 MR. FONTE: Good evening. My name is
19 Dominic Fonte. I live at 965 Fair Oaks
20 Avenue, Southwest, North Canton, Ohio. You
21 know, I'm interested in the Main Street
22 Business District. I have been pushing it
23 since before last year. And it had been
24 initiated, I guess, in '03, and it just sat
25 stagnant for many years.

1 And what set me off on the whole thing
2 is -- I just have to go back to Pav's,
3 because Pav's is a really nice amenity that
4 most of us had a chance to share. And what
5 Chuck was always upset about was this -- this
6 shared parking arrangement. If we would have
7 had this in place, that could have solved
8 that problem.

9 And there is no perfect solution to what
10 we are dealing with. We have old real
11 estate. We are trying to retrofit it into
12 the 21st century. Not everybody has millions
13 of dollars. We don't have millions of
14 dollars worth of development. But the point
15 is that I think this is a stepping stone, a
16 start -- start moving in the right direction,
17 that we have some flexibility now. You guys
18 have flexibility to work with different
19 things if it fits the bill.

20 But I think what's going to happen is,
21 you know, you are going to see more people
22 walking, you're going to see more foot
23 traffic, which means we'll maybe not have to
24 park. You know, there are a lot of good
25 things that are going to happen. This is

1 just a stepping stone.

2 And then, eventually, someone will come
3 in -- you know, once the Hoover District and
4 once all these places get going, maybe
5 someone will come in and take several of
6 those older pieces and turn it into something
7 like what Chuck is saying, which is what I'm
8 hoping.

9 But for right now, this gives us the
10 opportunity to go ahead and get the process
11 started. And I'm really tickled that we are
12 moving in the right direction. Thank you
13 very much.

14 MR. FLECHTNER: Thank you.

15 Anyone else?

16 (No response.)

17 MR. FLECHTNER: With that, Mr. Fox,
18 anything you want to add?

19 MR. FOX: Yes, sir. I just want to
20 remind the Commission that I believe it was
21 Gary -- Gary Fry, he was here as the director
22 of permits and economic development. He had
23 made note that, hey, we have this Main Street
24 Business District as -- as an option, yet he
25 was unable to find any location that it has

1 been implemented.

2 And that, together with the Commission
3 knowing that it's -- someone is hamstrung
4 when someone comes in and wants a certain
5 type of -- of plan, and then is limited, when
6 it would fall into this Main Street Business
7 District. And that was the -- the very --
8 well, it appears to be the very impetus
9 behind this.

10 And the -- the Commission had expressed
11 that -- a bit of frustration, where a
12 developer could be so close on a setback or
13 required parking, and the Commission would
14 either have to deny it -- even though it
15 appeared that it was a worthwhile endeavor,
16 that it either be denied or could only
17 approve it on the condition that they receive
18 a variance for either parking or setback or
19 so forth.

20 So that that's -- that's the rationale
21 behind asking Council, as part of our
22 codified ordinance, as one of the ways to do
23 that is if there is a recommendation that the
24 Planning Commission take a look at the
25 Council recommendation. And so indeed they

1 put that together with the Administrator for
2 the Main Street corridor, but also -- also
3 looked at -- there are some properties, and,
4 you know, one of those singled out there,
5 given that I think we all know the size of
6 it, the K-Mart area; that it may not be
7 appropriate to apply something like this,
8 where it just -- for an example, where
9 they -- they may ask for some sort of relief
10 to place, say, a sign within the
11 right-of-way, or closer than it normally
12 could, and that wouldn't be reasonable, in
13 comparison to some of these smaller ones.

14 It's just what this was designed for, to
15 alleviate some of those, kind of, pinch
16 points for setbacks and parking, and to give
17 this Commission some reasonable discretion,
18 to be able to authorize plans so long as, you
19 know, it fits within the parameters here, and
20 it's reasonable.

21 And one ironic point that I want to -- to
22 address is that Mr. Osborne, although he came
23 and said this is essentially preposterous, he
24 has also stated that he is the architect
25 behind the overhaul in legislation for

1 Planning and Zoning that made the Main Street
2 Business District possible. So to, one, say
3 you are the champion behind making this
4 available, and then coming forward and saying
5 it's ridiculous, that these places should
6 just sit shuttered, because they -- they
7 can't have the required setbacks or parking,
8 there is just a bit of irony that goes along
9 with that.

10 So note that within your authority is to
11 alter this. You can reject it. You can
12 accept it and make the recommendation for any
13 one of those, to send it back to Council.
14 Then Council has the authority, once it's --
15 it's back with your recommendations, to do
16 the same thing; it has the ability to accept
17 it in its entirety, the ability to modify it,
18 the ability to change it in its entirety. It
19 requires three meetings, a public hearing,
20 and a majority vote of Council.

21 MR. FLECHTNER: Thank you.

22 MR. FOX: Yes, sir.

23 MR. FLECHTNER: Question, Mr. DeOrio,
24 even though we have designated parcels that
25 are in the Main Street Business District, the

1 underlying zoning classification remains the
2 same, like office buildings --

3 MR. DEORIO: That is correct.

4 MR. FLECHTNER: -- whatever it may be?

5 MR. DEORIO: GBA, GBB.

6 MR. FLECHTNER: Yeah. It could be
7 anything. And it's, again, limited parcels.
8 And it's not the entire length of Main Street
9 within the North Canton City limits.

10 Other questions or comments from the
11 Commission?

12 MR. MCCLEASTER: I do have -- I'm sorry.

13 MR. VOLAS: I'm sorry. I apologize for
14 my voice. The first thing, I just want the
15 record to reflect that Eric's Grocery Bag is
16 not in this Main Street Business District, as
17 mentioned, according to this map?

18 MR. DEORIO: Eric's is on the side
19 street.

20 MR. VOLAS: It's on the side street,
21 right? It's not -- according to this map --

22 MR. DEORIO: It's not --

23 MR. VOLAS: -- it's not that way. So
24 just a point of clarification.

25 The second thing is --

1 MR. OSBORNE: It's color-coded on mine
2 and it is.

3 MR. FLECHTNER: Well, it's -- you can
4 look at the big map --

5 MR. VOLAS: On this --

6 THE REPORTER: Wait.

7 MR. FLECHTNER: I think if you look at
8 the big map, there is -- the small map, it's
9 hard to differentiate between the purple and
10 the dark blue, and so if you look at the --

11 MR. FOX: Stay in your seat. Don't
12 approach the dais. Damn it. He can't come
13 up to the dais.

14 MR. OSBORNE: Well, just a second --

15 MR. FOX: Mr. Chairman, I ask you find
16 him out of order, that he can't run up from
17 the audience and approach the dais.

18 MR. VOLAS: I just wanted clarification.

19 MR. OSBORNE: Make sure I get the
20 materials, and I wouldn't have to.

21 MR. FLECHTNER: You had your say.

22 MR. FOX: You are out of order.

23 MR. VOLAS: I would just like there to be
24 factual statements for this conversation.

25 MR. FOX: Of course.

1 MR. FLECHTNER: Right.

2 MR. VOLAS: Second thing is, there is
3 that -- you know, once we deliberate on this,
4 I wasn't sure what the -- City Council looked
5 at it, the zoning designation, but it seemed
6 logical to me, in an appropriate economic
7 development model, that there should be a --
8 some resolution or some legislation that
9 should tie economic development incentives to
10 promote this Main Street Business District.

11 MR. FOX: Sure.

12 MR. VOLAS: Tax abatements, low interest
13 loans, forgiveness of some sort. We have got
14 plenty of economic development mechanisms in
15 place to help that. Some are appropriate,
16 some are not.

17 MR. FOX: Agreed.

18 MR. VOLAS: So it seemed appropriate to
19 me, and I would ask that the City Council
20 take that under consideration, to truly
21 enhance this as a solution for the future and
22 to preserve the viability of the area.
23 That's my only comment.

24 MR. FLECHTNER: Thank you.

25 MR. MCCLEASTER: Yeah, I guess I have a

1 couple questions that I thought about since
2 we talked about this last time. And I guess
3 maybe this might be more along the lines of a
4 nit-picking fashion, but the two places that
5 kind of struck in my mind that maybe I had
6 questions about was, one, Walgreens, and,
7 two, the church that I attend, Zion UCC,
8 which is right next to Saint Paul's.

9 And I bring those up, because I notice
10 that -- that Walgreens, while it is a larger
11 lot -- I don't know the exact size; it
12 appears to be sitting on multiple lots, which
13 that's a whole other issue of itself. But I
14 guess if it's one building now on that
15 large -- you know, larger parcel -- well,
16 collection of parcels, so to speak, would
17 that be something we would want to include on
18 Main Street Business, given that the use of
19 it now is larger than your -- what was it --
20 one and a half acres?

21 And then, also, I go to, again -- and I
22 have to look exactly where it is on this
23 map -- the Zion UCC building, which was
24 approximately, what, 10, 15, 20 parcels that
25 were recently combined. So this might be an

1 outdated map. Again, they were small
2 parcels, but now it's one large parcel. So,
3 I guess, that probably shouldn't be included
4 in this, as well. So I guess to ask would be
5 nit-picky. I just wondered, you know, is now
6 the time to go and pick these little --
7 little individual parcels out? Or -- what
8 are your thoughts on that?

9 MR. DEORIO: So Walgreens is on the
10 intersection of Main and --

11 MR. FLECHTNER: -- Schneider.

12 MR. DEORIO: -- Schneider.

13 MR. MCCLEASTER: Schneider. It's between
14 Glenwood, correct?

15 MR. DEORIO: That one -- that one is on
16 the map. Are you saying you don't want it on
17 the map?

18 MR. MCCLEASTER: No, I -- I'm just
19 asking. I'm not -- I'm just thinking maybe
20 we can have a discussion about it.
21 Because --

22 MR. DEORIO: Maybe --

23 MR. MCCLEASTER: -- I think the acreage
24 of that -- that facility would be more than
25 one and a half. But I believe -- it looks

1 like it's multiple lots.

2 MR. DEORIO: It's multiple lots --

3 MR. MCCLEASTER: Right.

4 MR. DEORIO: -- right. Now, if they --
5 if they -- if they had not consolidated that
6 after they had acquired all those --

7 MR. MCCLEASTER: Right.

8 MR. DEORIO: -- parcels.

9 MR. MCCLEASTER: Yeah.

10 MR. DALPIAZ: Well, the underlying zoning
11 still applies, correct?

12 MR. FOX: Correct.

13 MR. DALPIAZ: Right? So --

14 MR. FLECHTNER: Correct.

15 MR. DALPIAZ: -- I don't think it's so
16 much -- I think we have targeted -- I think
17 you mentioned you targeted lot size, so to
18 speak.

19 MR. MCCLEASTER: Right.

20 MR. DALPIAZ: But I think it's also just
21 a defined corridor for this designation, as
22 well. Meaning the underlying zoning still
23 applies, but in the instance that something
24 is outside of that, we have the flexibility
25 to approve that or make recommendations to --

1 MR. MCCLEASTER: True.

2 MR. DALPIAZ: -- change the layout.

3 Ultimately, we can say, no, you have to
4 comply with the underlying zoning, in the
5 instance of a Walgreens or whatever, where
6 they can combine lots.

7 MR. MCCLEASTER: Okay.

8 MR. DALPIAZ: But this would just offer
9 the flexibility; if they couldn't comply, we
10 could --

11 MR. MCCLEASTER: Right.

12 MR. DALPIAZ: -- approach it in a
13 different manner. And, also, I just want to
14 extend, it's -- you know, parking is not the
15 only thing. I think we talked in the past
16 about defining signage through the Main
17 Street Business District, among other things.
18 So I think this is a more defining
19 corridor --

20 MR. MCCLEASTER: Okay.

21 MR. DALPIAZ: -- that provides some
22 flexibility. Still the underlying zoning
23 applies, so we still have that as, you have
24 to follow this.

25 MR. MCCLEASTER: Okay. Fair enough.

1 MR. DALPIAZ: I think that's the correct
2 interpretation of it.

3 MR. FOX: I agree.

4 MR. FLECHTNER: Right. We -- I'm not
5 sure I -- you were clear in the way you were
6 presenting that. But we cannot modify the
7 underlying zoning.

8 MR. DALPIAZ: Right.

9 MR. FLECHTNER: Okay.

10 MR. DALPIAZ: Correct. That's going to
11 stay.

12 MR. FLECHTNER: Which was stated earlier.
13 So that complies -- or that would need a zone
14 change to do anything different.

15 Any other questions or comments?

16 MR. SERRA: Yeah. Tim, I have got a
17 question. Since I own properties on Main
18 Street, can I or can I not vote on this?

19 MR. FOX: Well, I -- I would recommend
20 that because this would apply to you,
21 clearly, that you recuse yourself for -- for
22 deliberating and voting. That would be my --
23 my recommendation to you.

24 MR. SERRA: I would agree.

25 MR. FLECHTNER: Thank you for bringing

1 that up, Tom.

2 Okay. I think we have discussed this and
3 discussed this, and it has been on, and I'm
4 glad to see it finally come to fruition.
5 Seeing no other further questions or
6 comments, I'll call for a vote or -- or a
7 motion.

8 MR. MCCLEASTER: I vote that we accept
9 this map as presented.

10 MR. FLECHTNER: Is there a second?

11 MR. VOLAS: I'll second it.

12 MR. FLECHTNER: Any further discussion?

13 (No response.)

14 MR. FLECHTNER: Roll call, please.

15 MS. WHITTENBERGER: Mr. Volas.

16 MR. VOLAS: Yes.

17 MS. WHITTENBERGER: Mr. Serra.

18 MR. SERRA: Abstain.

19 MS. WHITTENBERGER: Mr. Dalpiaz.

20 MR. DALPIAZ: Yes.

21 MS. WHITTENBERGER: Mr. McCleaster.

22 MR. MCCLEASTER: Yes.

23 MS. WHITTENBERGER: Mr. Flechtner.

24 MR. FLECHTNER: Yes.

25 That completes our agenda for this

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evening, so I will entertain a motion to adjourn.

MR. SERRA: I'll make that motion.

MR. FLECHTNER: Is there a second?

MR. DALPIAZ: I'll second it.

MR. FLECHTNER: All in favor?

MR. DALPIAZ: Aye.

MR. MCCLEASTER: Aye.

MR. VOLAS: Aye.

MR. SERRA: Aye.

MR. FLECHTNER: Aye.

Motion passed. Thank you very much.

(This proceeding concluded at 7:25 p.m.)

