

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, July 12, 6:00 p.m. 28

CALL TO ORDER:

The public hearing was called to order Monday, July 12, 2010 at 6:00 p.m. by President of Council Daryl Revoldt.

ROLL CALL:

Council Members present for the public hearing: Council Members Davies (arrived shortly after the start of the public hearing), DeOrio, Foltz, Peters, Revoldt and Snyder. Council Member Kiesling was not present for the public hearing. Also present were: Mayor Held, Interim Director of Administration Benekos, Director of Law Nilges, Director of Finance Zumbar, Director of Economic Development Bowles, Superintendent of P&I Hampton, and Clerk of Council Kalpac.

Notice is hereby given that a public hearing will be held by the Council of the City of North Canton on Monday, July 12, 2010 at 6:00 p.m. in the Council Chamber at North Canton City Hall. Any person interested shall be given an opportunity to be heard.

The hearing is with regard to Section 1125.02 DEFINITIONS; Section 1135.03 SCHEDULE OF PERMITTED USES; Section 1135.05(e) SITE DEVELOPMENT REGULATIONS; Section 1135.07(c) ACCESSORY USE REGULATIONS; and Section 1153.04 OFF STREET PARKING STANDARDS of the North Canton Zoning Ordinance.

The Planning Commission, at its May 5, 2010 meeting recommended that a definition for "Senior Citizen Development" be added to Section 1125.02 DEFINITIONS of the North Canton Zoning Ordinance and recognized as a specific use and would have different standards (i.e. for parking) than other multiple family developments.

The Planning Commission, at its May 5, 2010 meeting, recommended adding Senior Citizen Development as a permitted use in the RMF-A and RMF-B Districts to Section 1135.03 SCHEDULE OF PERMITTED USES of the North Canton Zoning Ordinance.

The Planning Commission, at its May 5, 2010 meeting, recommended that the parking setback along a street when the zoning across the street is not single family be reduced from forty (40') feet to twenty (20') feet in Section 1135.05(e) SITE DEVELOPMENT REGULATIONS of the North Canton Zoning Ordinance.

The Planning Commission at its May 5, 2010 meeting, recommended reducing the building setbacks for apartments in the RMF-A and RMF-B Districts when the building is adjacent to lot lines that abut single family residential zoning districts; and reduce the spacing between multiple family buildings on the same site in Section 1135.07(c) ACCESSORY USE REGULATIONS of the North Canton Zoning Ordinance.

The Planning Commission at its May 5, 2010 meeting recommended adding a parking requirement for senior housing of one space per dwelling unit and not require that senior housing provide garages in Section 1153.04 REQUIRED OFF-STREET PARKING SPACES of the North Canton Zoning Ordinance.

Mr. Revoldt: It is now 6:00 pm. I would like to call to order the Public Hearing that was set for July 12, 2010 at 6:00 p.m. The purpose of this hearing will be to obtain comments regarding five amendments to the Zoning Ordinance for the City of North Canton. These are Sections 1125.02, 1135.03, 1135.05(e), 1135.07(c) and Section 1153.04. These matters deal with definitions and uses pertaining to RMF-A and RMF-B Districts of the Zoning Ordinance. What I'd like to do tonight is divide the meeting into three unequal parts. The first would be a quick recap by our Director of Administration Mr. Benekos about the changes to enter those into the record. The second component will be to hear proponent testimony and then the third component will be to listen to objections to the Zoning Change. For those who are in attendance this evening, please bear in mind that Council will take no action on this matter at this meeting or at the subsequent Council Meeting this evening. Any action that occurs will take place in August after we return from our summer break. So, without further ado, let me also note for the record that we have present: Mr. Foltz, Mr. Peters, Mr. DeOrio and Mr. Snyder for this portion of our hearing. Mr. Benekos.

Mr. Benekos: Just to let you know the genesis of this - these amendments, there was a developer looking at a specific site, discussing a couple items to make the site a little more developable. During that time we looked at our Zoning Code and realized that these items wouldn't apply only to that site, but to any site zoned RMF-A or RMF-B in the City; whether it was advantageous to do this or not, we thought it had merit to bring it before the Planning Commission, and then ultimately to Council. As Planning Commission looked at it, we decided that this is something that the Planning Commission should present from a citywide standpoint and not a site specific standpoint. And as we refined it, it came down to these five items: Item 1135.07 - Distances Between Buildings, well, what I'll actually do

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at this point is Dave Hartt is here. He, his company developed the Zoning Code for the City and during this process Mr. Hartt was requested to help us with these proposed changes because it's easy to make a change in one section of the code and forget that it applies to another section. So that's why we asked Mr. Hartt, at no cost to the City. So with that, I would invite Mr. Hartt to come up and speak to the five items.

Mr. Revoldt: Please - Mr. Hartt, if you would step forward to the microphone and state your name and address for the record.

David Hartt: Good evening. David Hartt, President of D.B. Hartt Planning & Development Consultants at 1382 West 9th Street in Cleveland. And I guess, not I guess, I'm actually here tonight on behalf of McKinley Development Company. So I will do what's been requested for the first part of the Public Hearing and review the amendments and then if it's okay, I would like to be the first speaker and the second part of the Public Hearing where we're making comments. As Mr. Benekos said, there are actually five proposed changes. One is to reduce the building setbacks as they, for multiple families, as they are adjacent to single family property. That is not to reduce the minimum setback but to reduce the setback based on, which requires an increase in the setback based on the length of the building. The formula would still be in place, but there would be a cap on the setback so it wouldn't be an endless increase in the setback based on the longer wall length adjacent to the property line and the same thing is proposed to apply to the setback, or the - not setback, the spacing between buildings. So that they in effect are reduced, and it was originally envisioned that those modifications would still protect the adjacent property and be in the public interest. So that's one of kind of two components to the first amendment. The second would be to reduce the parking setback for multiple family projects when the property is across the street from nonresidential zoning, and the central changes to reduce the parking setback from 40' from the right-of-way line to 20' from the right-of-way line. The third is to add a specific parking requirement which is not in the code now for senior housing which would be one space per unit. The apartment requirement now for housing is two spaces for each dwelling unit and the proposal would be specifically for one space for senior housing and to not require that that parking be in an enclosed garage or a covered garage. The fourth amendment adds a definition for Senior Development. And the purpose of that is so you know when, under what conditions the reduced parking standard code would apply. And then the fifth amendment specifically adds Senior Development as a permitted use in the two multiple family districts.

Mr. Revoldt: Does Council have any questions from Mr. Hartt?

Mr. Peters: Yea, the senior housing, that language you're putting in there, is that and I'm looking at the minutes from the Planning Commission meeting, am I correct that senior housing, that one occupant in each unit must be over 55 and that is only in 80% of the units?

Mr. Hartt: That is correct.

Mr. Peters: Okay.

Mr. Hartt: That is correct, one over 55 in at least 80% of the units.

Mr. Peters: Okay.

Mr. Revoldt: Before we continue, the record should show that Mr. Davies has joined us. Do we have other questions for Mr. Hartt? Jim, do you have anything to add?

Mr. Benekos: No, I do not.

Mr. Revoldt: Administration?

Mr. Foltz: I had a question. How does this affect, in your opinion, existing structures built in RMF-A and RMF-B districts?

Mr. Hartt: Essentially, if the property is fully developed, it wouldn't be, it wouldn't affect them. And I think that's, while it could apply to more properties in the City than the property in the Sanctuary which is now vacant, it was not likely to be applicable to other properties because most of the other properties were developed. I suppose if you reduced the parking requirement and somebody wanted to convert some of the apartments into senior units, they might be able to get more units on the property so it could add to the - it could add to the development.

Mr. Foltz: Okay, so you're saying if - and I was looking around Ward 1. I have one off of Portage, it's RMF-A, I believe and one off of Applegrove. If the existing structure is already in place, the only change would be to maybe build onto the unit and then reduce some parking?

Mr. Hartt: That's correct.

Mr. Foltz: If the setbacks - now here again were across from single family zoning, that might present a problem then because of the residential area itself as it was explained. Will you explain there - setback number two?

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Mr. Hartt: Well, the only change to the setback, the minimum setback for the building adjacent to residential has not changed. The minimum setback is the same. It's the increase in that setback as the building gets longer, it is reduced. The other setback for the parking reduction is when the multiple family property is across from a non-single family dwelling.

Mr. Foltz: Right. So that's what I was saying, if there's single family residential across the street that might...

Mr. Hartt: Preclude getting anymore parking at the site...

Mr. Foltz: ...preclude that parking reduction if it's turned into a senior complex?

Mr. Hartt: That's correct.

Mr. Foltz: And if the zoning isn't RMF-A or RMF-B, then it can't happen. If it's P&I or if it's existing residential R-50, R-70, you don't see any of this -- any of those changing, possibly to a...

Mr. Hartt: Well, these amendments would not apply.

Mr. Foltz: Okay.

Mr. Hartt: Except for the RMF-A and the RMF-B -- RMF-B Districts. They do not apply to the others.

Mr. Foltz: Okay, thank you.

Mr. Snyder: The present zoning on that property permits multi-family alright -- right at the present

Mr. Hartt: That's correct.

Mr. Snyder: Whether it be government multi-family, privately developed multi-family, it would permit that. This is just allowing the buildings to be longer and reducing the density of the parking. But the zoning at present that's on the property does permit that type of development.

Mr. Hartt: That is correct. And it doesn't -- this - these amendments don't change the density ...

Mr. Snyder: Right.

Mr. Hartt: it just changes the flexibility

Mr. Snyder: Right.

Mr. Hartt: of how you arrange the buildings on the site and would allow for the reduced parking if it's a senior project.

Mr. Snyder: So actually, in essence the existing developed property in the City, even changing the parking, will not permit the density be increased. It still only allows so many units per acre. So you...

Mr. Hartt: That's right, unless they were under.

Mr. Snyder: Right.

Mr. Hartt: Unless they were under presently.

Mr. Snyder: Now if they were under presently, but if they were at maximum which they -- most of them are, but even a conversion, it would not allow that because the density would be greater than what our Zoning Code would permit.

Mr. Hartt: That's correct.

Mr. Snyder: So, technically speaking, this is the only piece of property, outside the piece of property across the street which is an overlay project, would permit it at all anywhere in the City at existing zone change - without applying for a zone change. Do I read that correctly?

Mr. Hartt: I'll trust you on that one.

Mr. Snyder: No, I mean, I'm just saying that's the way my interpretation -- I could be...

Mr. Hartt: Your interpretation of the density is absolutely correct.

Mr. Snyder: That's right.

Mr. Hartt: If they're already at the density, then you know I was in error in my response...

Mr. Snyder: That's what I thought.

Mr. Hartt: that you couldn't get any more units, that's correct, yea, absolutely.

Mr. Snyder: That's what I thought -- I wasn't sure of that. Okay.

Mr. Peters: Mr. Hartt, currently RMF-A and RMF-B permit senior housing, correct?

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Mr. Hartt: I think that's the interpretation that you can make but the senior housing would have to be built to the same parking requirements as non-senior housing now.

Mr. Peters: So similar to how the Danbury was constructed?

Mr. Hartt: Yes, right, that's my understanding.

Mr. Peters: Now, okay, I was reading in the minutes and they talked about that. Do you know or does anyone know what sort of variances they required for the building of the Danbury, under the current code?

Mr. Benekos: The Danbury was built prior to this code.

Mr. Peters: Okay.

Mr. Benekos: So, it's done under a previous Zoning Code and I don't know what the issues were with that. It may have been permitted without variances at that time. We'd have to check.

Mr. Peters: They mentioned that there were some variances they had to - I think it was Member Shanabruck of the Planning Commission that talked about that, and I was there this past weekend and looked around. I think it's forty-eight units in there. Am I correct?

Mr. Snyder: There's a hundred.

Mr. Peters: There are a hundred units? Okay, do you know how many parking spots?

Mr. Benekos: I do not.

Mr. Snyder: Well probably at the new code would require two spots per unit. The old one - there's probably what you called a common area of parking which they're permitted to use there would be at least two to two and a half per unit. But, I would say that at full capacity, less than 30% of those people own an automobile.

Mr. Peters: Right.

Mr. Snyder: Because that particular unit provides for common transportation.

Mr. Peters: Yeah, they have a couple units.

Mr. Snyder: But if you - and under the old code, you were - you could use the common area parking the same as retail. You know, so every so many feet of the building had to have so many parking spots. But under the new code it's by unit not by square feet of the property - of the unit. So, it does change, but I don't know how many units they have - how much parking they have there totally. It used to be, what was it, for every 250' I think you needed one - I don't remember, it's been so long since I...

Mr. Benekos: I came in when the new code was getting adopted.

Mr. Snyder: Yea, under the old one. I - it used to be 1 per 250'.

Mr. Hartt: If you're looking for me to answer that, I can't.

Mr. Snyder: Yea, I don't honestly remember, I - it was something like that.

Mr. Revoldt: Any other questions for Mr. Hartt from Council? If there are none, then we will move into the proponent testimony. Mr. Hartt, we invite you to...

Mr. Hartt: May I stay here?

Mr. Revoldt: make your case.

Mr. Hartt: Again, it's already been mentioned that the original overtures for these amendments came from the partners of McKinley Development Company and then I was asked, based on their conveying to me the basic directions that they wanted to achieve, how to best do it. So I worked with them to develop the package of amendments. They're slightly different than what was submitted to the Planning Commission, because Planning Commission during their deliberations added a couple amendments. They added the one on definitions and one on adding - making sure senior housing was specifically added as a permitted use in multiple family districts. But at the time it was felt that this might be in the public interest to a greater extent than just putting - applying it to the Sanctuary property. So that's why the actual amendment package was introduced by the City as opposed to being requested by a private property owner or the developer and the purpose was, as we said, the flexibility in the arrangement of the units and better meet the needs of senior housing. At this point and at the time, I don't think it's any secret that owners of the Sanctuary property had the possible overture from another property owner, I'm sorry another developer to develop what's called tax credit housing, multiple family senior housing on the property. I don't think that's a secret, I think that word is out there. At this point, that project is

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no longer operable for the site or possible for the site. So at this point, McKinley Development is actually has no particular need or use for these amendments at this time and is actually asking that the amendments be tabled and not considered further. Now let me explain further on this. The McKinley Development had a meeting with the residents of the Sanctuary in early June and at that time the reaction to these amendments that are before you was not very positive. I think to a great extent, the reaction to the amendments not being positive is the feeling that there was a strong tie to these amendments allowing the possibility, or a greater possibility or facilitating financially supported housing from some other means rather than just full market rate. So because of that and because there is no possibility of that at this point and because it is difficult, I think, the residents will respond if they want to contrary to this, it is difficult to get the separation between the validity of the amendments as being separate and valid apart from the possibility of financially supported housing. So for that reason, at this point, McKinley Development is asking you, we're not interested in pursuing it, but it was your amendment that was actually introduced, but from our standpoint, we just as soon that the amendments be tabled indefinitely at the present time.

Mr. Revoldt: Questions or comments? Mr. Hartt, I have a quick question for you. If senior housing with a permitted use applied across the street, what additional amendments might be required to proposed language or in addition to that proposed language, to accommodate that type of project across the street? What would we need to do?

Mr. Hartt: Oh boy, I'd have to look at that. I'd have to look at that. Density - I mean it was mentioned earlier, of course, that that housing was being proposed under a different district, so you may have totally different parameters in terms of setback and density and parking and height and all of those things. So, I can't answer that question. I should also add though that a - and I forgot - I neglected to mention that a letter was sent, I believe it was Friday, to all the residents of the Sanctuary saying that this was going to be McKinley's position and we would be stating it at tonight's meeting that we would request that this matter be tabled indefinitely for the reasons I've just cited. So the residents are aware of the - of this request.

Mr. Revoldt: If I can come back, if I hear you then, if senior housing were to be considered for the Hoover complex, we might need a very separate set of parameters or rules for that type of project.

Mr. Hartt: That's possible.

Mr. Revoldt: So we have a definition, we put it in the Code, but we would have a very different set of regulations.

Mr. Hartt: You could, yea. You might want the specific language that - of what constitutes senior housing. Yea.

Mr. Revoldt: Okay.

Mr. Hartt: And adding that to the permitted use list of the appropriate districts.

Mr. Revoldt: Okay.

Mr. Snyder: Mr. President, if I may, Mr. Hartt, one thing, correct if I'm wrong, but in reading this initially, as you were, pardon the expression, the architect of the original zone change that we considered, it was a very arduous process that we went through, this is actually in line with what you recommended initially. Am I correct in that?

Mr. Hartt: That's absolutely correct.

Mr. Snyder: And we just capriciously changed it, or...

Mr. Hartt: Well, I wouldn't say capriciously, but, you know, and I have been very careful and I've said this before the Planning Commission, that I always have to be very sensitive to what I'm saying now compared to what I said when I was here on behalf of the City and I think I'm being consistent. We did make some recommendations that the formulas be dropped, that senior citizen housing be added, that the parking for senior housing be reduced along the lines we are talking now. But, as consultants to a City, you know, not all of our recommendations always get incorporated into the documents that are adopted. So this was one case where there was some backing off.

Mr. Snyder: Okay, thank you.

Mr. Revoldt: Any other follow up comments for Mr. Hartt? Thank you very much.

Mr. Hartt: Okay, thank you.

Mr. Revoldt: Is there anyone else who wishes to speak on behalf of the proposed changes? On behalf of the proposed changes? Seeing none, we will now entertain comments in opposition. If you would raise your hand and be recognized by the Chair, please come forward, state your name and address for the record.

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George Daniluk: 502 Werstler. I guess I'm neutral on this position, but I do have a few comments. Because of existing generic zoning ordinances not flexible enough to allow for such major stumbling blocks as reduction of space between buildings, setbacks, number of parking spaces and resident garages, a proposal is being made to create a new zoning definition called Senior Citizen Development. Why should the age of residents dictate the setbacks, spacing and number of parking spaces? Don't senior citizens expect to have visitors and a garage if needed to protect themselves from the elements, especially in winter? It seems we keep watering down our ordinances which have good intentions or if we are reluctant to change them, we merely create a special use ordinance to appease the developer. None of this would be required if a developer wasn't trying to put a size 10 foot into a size 8 shoe. I appreciate the developer's intent to utilize their acreage to their advantage. I also think we're going to muddy up the waters if we customize our ordinances to suit every specific use.

Mr. Revoldt: Thank you, Mr. Daniluk. Mr. Hayden.

Mr. Hayden: Good evening. Andy Hayden, I'm a resident of the Sanctuary, 920 Duck Hollow Circle. Thanks for hearing from us tonight. Before I itemize, if you will, the reasons I'm opposed, and I am opposed to the proposed changes. I'll call them that because I don't want to get lost in words of what's an amendment and what's a change, so I'll just call them that. Allow me if you would, to ask one question based upon what Mr. Hartt just said, which simply was, the DeHoff Development Company wishes to table this issue indefinitely. If I understand that correctly it will be heard at a later time when and if they decide or when and if someone decides it should come forward. I believe and Mr. Hartt can correct me if I'm wrong, the reason for that tabling was that they, private entity, DeHoff, did not bring forward this change. In fact, it was brought, I thought he said Council, maybe he said City, maybe he said Regional Planning Commission, I'm not sure. If someone could clarify, at least that point, I can move forward.

Mr. Benekos: City Planning Commission.

Mr. Hayden: City Planning Commission, okay. I'm perplexed as to why the City Planning Commission would bring forth such a request without an impetus behind it, or requestor. I realize there wasn't a name on the application; I only take that out of the newspaper. So where I come from I take that with a grain of salt, but, be it as it may, something in my gut tells me there was an impetus for the Regional Planning Commission to come forth and request a specific change citywide. That's my first point. So it almost begs to question, if I can ask, why did the City Planning, I'm sorry, the Planning Commission come forward - City Planning Commission, with that request and who, if anyone drove that?

Mr. Benekos: Is this question and answer time?

Mr. Revoldt: Yes, you may respond.

Mr. Benekos: Okay. As I stated previously, the developer did bring this to the City and we looked at it and we felt it had ...inaudible... or merit to apply citywide, not just for this particular area. So with that we worked with Mr. Hartt to craft it as far as citywide, not just for that specific site. And that's why we felt to take it to the Planning Commission that the Planning Commission would bring this forth and not just the developer, because the developer would indicate just for that site.

Mr. Hayden: Am I correct, the developer did, in fact, present to you a plan or an idea or a possibility, and wanted to see if it would go through first? Is that fair to say?

Mr. Benekos: If it would go through first?

Mr. Hayden: I'm sorry, wrong terminology. Did the developer, how - when - obviously the developer had a plan, had an idea and/or proposal of what we now know to be Miller Valentine out of Cleveland, did the developer make mention to that, to you, and thus ask for the changes?

Mr. Benekos: Right, they said they had someone to develop that site...

Mr. Hayden: Okay.

Mr. Benekos: and that the existing code wouldn't permit them to develop...

Mr. Hayden: Understood, okay.

Mr. Benekos: the way they wanted to.

Mr. Hayden: Understood, okay. That being the case, in my opinion, then it's somewhat misleading to say that the issue at hand was brought forward by the City Planning Commission and not in a sense by someone else. In fact, based on our conversation here, it appears it was brought upon by the development company. It just so happens that their name wasn't on it.

Mr. Benekos: It was initiated by them.

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Mr. Hayden: Okay. I think that's important for my citizens or residents to know that it in fact that it was brought forward by the developer. And that's okay, he's got every right to do that, by all means. But I feel we should -- we should call it as it is. That being the case, I'm still opposed to it, probably more so than ever quite frankly, for a number of different reasons. There was talk about the restrictions of cutting down the amounts of parking, number of spaces, the lack of garages. To me, I think we're doing, if in fact this was to go through, I think my first point on the parking, we do a disservice to the community by allowing that, for one main reason. The economic situation in this county, in this city and many around us it's not just simply here, is not the best. There have been many projects that have come forward and failed. My fear, as I look up and down Main Street and see vacant properties and new industrial developments going in with nothing but empty streets similar to my neighborhood, is that that may not be the best advantage. If, in fact this project goes forward, and those setbacks or those restrictions, I should say, are brought to fruition and we don't have the seniors that want to move in there age 55 and over; we are now left with an apartment building that is not marketable to a younger crowd, a younger generation and the younger generation, let's admit it, drives the economy, or at least initiates the economy of any community, particularly a community such as ours, a good one, that's looking to get off its feet. If in fact this project fails because we don't get those people suddenly your 22 year old college graduates, the brain drain if you will that we're trying to prevent here in Stark County, is not going to look too favorably on a complex like that to start their professional careers. And my fear is just that, that we lose the marketability of that because I'll tell you what one parking spot or no garages is not a very marketable point. The second thing was - Mr. Hart alluded to a meeting that Mr. DeHoff and his staff did have with us. That's accurate. Obviously, it's also accurate it didn't go very well and I think part of the reasons were we felt a little duped at the time. One of the things that Mr. DeHoff had mentioned to us was that there was no client for this proposed project, there's no signature, there's no agreement, all that is very valid, very true. But the bottom line is someone, Miller Valentine approached him, Miller Valentine approached him for this project and the next thing you know, by the way, we heard about all these changes through rumor mills. It's never a great time to hear about changes to your neighborhood through a rumor mill. Low and behold, shortly thereafter, he called for a meeting. My gut feeling, it doesn't really matter what my gut feeling is, but the bottom line is this has surfaced without resident input until such time as he got wind, in our opinion, that there was a problem, they were going to be opposed to it. If no client was present and no agreement was signed, why waste your City Planning Commission's time by proposing and pushing forward with such amendments or such changes, if you will, just because maybe down the road you might have a project that might fit the bill. It's a little shaky, it's a little shaky, I'll put at that. I'm not saying it was deceptive. Mr. DeHoff's a great businessman. And quite frankly I've had a chance to deal with him on a few occasions that have been very positive. But I didn't really like the way that went. It just sounds like, you know, maybe there was an offer and let's see if we can get your zoning changes because, well, I'll leave it at that. We already discussed the fact that our - that their - the City Planning Commission brought forward this and not a - not a particular entity although I think we now know, at least my neighbors and I, my colleagues and I know, that to be somewhat different. The third reason I am opposed, if you will, to the plan - EMS runs, EMS runs in the City. I'm no City expert by any stretch of the imagination, but I know they're costly, I know its one major advantage we have in this City, is we have our own Fire Department, our own EMS that happens to be quite stellar. We also, as you well know, recently passed a levy to continue that operation. This, in my opinion, would bring more costs. Those are costly runs. I'm not saying we are dismissing the elderly population of our community and we do have a significant elderly population in our community. I'll dismiss that one iota, but I think that that increased cost, should it occur, and it will with more EMS runs to an EMS type - I'm sorry, to an elderly facility, is going to raise taxes, it's going to ask for more levies and there's going to be more requests to the community to pay for something we just paid for, that quite frankly we could continue as present operation. So that's my third concern. The fourth concern and there's only five, so I promise I'll move this along, just so you know ...

Mr. Revoldt: I have a heavy gavel.

Mr. Hayden: it's good to know it's not pages and pages, what we're calling tax credit housing. I am not an expert in tax credit housing and I'm not going to propose to you that I am. Mr. DeHoff made it sound as though he knows even less when he came to our meeting to talk about tax credit housing. I don't know that to be the case, but it seems to me if someone's proposing a plan to you on a particular site that you own as a way of generating income, you're probably going to know a little bit about tax credit history - tax credit housing, I should say. I think he even told us to go Google it. I hope that the people who are running this operation are a little bit more savvy on what's being proposed than just Goggling something so we know what's forthcoming. I say that, on the tax credit history because tax credit, like it or not, means low income. Like it or not, low income exists, low income is needed, housing is needed across the county. Everyone says not in my backyard. Absolutely, this is not all that different, I'll admit to you - I'm not going to blow smoke up here. People built and developed in that neighborhood for a very reason, our fear on low income amongst the obvious, quite frankly, has been a few fold, if you will. It's been proposed to us that this will be 55 and older. It will be rent in the range of \$550-\$650, something along those lines. The odd part was, rent's already been established but supposedly we have no contract, we have no agreement and yet we're asking for a zoning change. Something screams to me like there's been discussions. I'm not saying it's improper, what's improper is just to lead astray slightly. If rents have been established, you look \$650 a month, while it

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may be significant for some, it's not all that significant for others, low income or not. I think a few of us might be familiar with some of the government programs out there that are available to those in the community that are in need, or allegedly in need, and they can get a lot more than \$650 a month, quite frankly. My fear is if it becomes low income, it is not going to be able to hold. If you've got four or five kids and a particular thing that grandmother's 55 or older and as the primary caregiver for a multitude of kids, I'm talking about a little bit of a runoff. I don't think that's going to be able to withstand that. And whether or not they're part of the Sanctuary and have rights and privileges to the Sanctuary Clubhouse and pool and the walking trails, I think is yet to be determined which I also found a little odd. But I think Mr. DeHoff indicated they probably would not, but let's face it ponds, walking ways, that's a common area that's going to go through there. Not afraid of more people. We're encouraging more homeowners, not more people who are running through the neighborhood and using various facilities. So that was my point, if you will, on tax credit history and my opposition to it. And the last point was just about the plan in of itself. I'll be honest with you, Mr. DeHoff appears to be a good business man. I have no problems until this particular issue. He shares our concern of ramping up this neighborhood. The neighborhood is in need of residents. Let's face it, it is what it is. The economy took a downturn at the time that thing was developed. By his own admission, they thought it was going to be an over 55 and 55 and older type of community despite the fact that they put in a pool and a playground and slides and what not but, the bottom line is you know, middle income, if you will. young aspiring families, those are the families that have populated it now and I can't tell you how many of my friends would love to get in there had it not been for you know footprints of the housing lot sizes. All of that is not your concern, that's Mr. DeHoff's concern but this is a big one - this is a big one. He's done a good job. I think he has a vested interest in the area. I just don't think this is the route. We're well aware that that is available for multi-family or even some kind of senior housing. We're not opposed to that. I should speak for myself quite frankly. I'm not opposed to that. I'm opposed to the tax credit history for various problems. But I remain opposed to the entire plan for all the reasons I laid out including the EMS runs and what not. So that is my opposition as we stand and I appreciate your time.

Mr. Revoldt: Any questions or comments for Mr. Hayden?

Mr. Davies: The only thing I would say is the reasons you brought up have crossed all of our minds too. Or I don't speak for everybody, but basically from the Councilmen I have talked to, we all have the same concerns.

Mr. Hayden: Okay, thank you.

Mr. Davies: Okay, so...

Unidentified (speaking from audience): Good.

Mr. Revoldt: If I could - I have a procedure - I have a question Jim. And maybe this is directed to you or Hans, but if we create a senior housing designation and we have a site that is RMF-A or RMF-B, already exists in the zoning patterns, classes, already legally classified, would the Planning Commission then have the authority to designate it senior housing or would that be a developer selected designation that would then allow him to immediately build according to the requirements that we've discussed, setbacks, etc.? Is - in other words, is there any public approval process on that senior housing designation as it applies to a specific site?

Mr. Benekos: Other than a site plan review, they would bring it in and that would be it. Now you know, perhaps if you want to pursue this, maybe, and we can talk with Dave, is that you create a zone for senior housing specifically. So it would go through a zone change and you would create that zone. I believe, we may have discussed that when we were initiating that, but if Council is of a mindset yes we do want to create a senior housing you know, that's an avenue we can pursue.

Mr. Revoldt: You know, Mr. Hartt, is that square with - I know that's - I'm throwing you a curve ball here, but, tell me a little bit about how this would be the mechanics of actually designating a parcel. How would that work? Would there be a public approval process?

Mr. Hartt: Let me speak generically.

Mr. Revoldt: Generically is fine.

Mr. Hartt: Because I don't want to be speaking now to defend the amendments that we just said we requested be tabled because of the things that have been talked about tonight, yeah.

Mr. Revoldt: I'm asking you in your other capacity.

Mr. Hartt: Right, now I'm going into the other capacity. The way we have structured it, it would become a permitted use in the district so it would be subject to administrative site plan review by the Planning Commission and that's it. You could create a Senior Housing District and once it's created in the zoning code then you can decide whether you want to place it on the map and carve out a location

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in the City where senior housing is acceptable or whether you want to wait and have the tool in the zoning code and apply it when somebody makes an application, if the location of the application is acceptable. But - and that would be a rezoning action at that time.

Mr. Revoldt: Right.

Mr. Snyder: Mr. President, I would think it would be in the benefit of just anybody, especially the residents, if it was created, but it was created with the application. Otherwise, by establishing a senior housing district, you take any Council action out of it completely. It's just a simple majority vote of the Planning Commission. It does not - it's not governed by any type of other than administrative process. If it was created as a district in the code, they would have to apply for the zone change that specific piece of property which would require a public hearing and a reading of the Planning Commission and then come to this Council and have a public hearing and then an additional public hearing. And it's a very long arduous process which would be the benefit of the residents. Otherwise, you're taking their elected official and their elected representative completely out of it. We would get no ability to represent their wishes. If you did it the other way, it would just, if it was the four members of the Commission decided to do it would be done and the only relief they can attain is going to the Common Pleas Court.

Mr. Davies: I think it also gets into definition of senior housing. From what was proposed in this plan, it doesn't seem to me that it necessarily is senior housing, saying one person has to be 55 in 80% of the units. But what stops them from bringing you know kids in and family and friends and so forth? You know, if you have a local company that oversees it and you know you get somebody, you know, who knows where, I mean I would love to see senior housing. I think that could - would be a good thing, but then it should truly be senior housing. And how can you have seniors, you know, one parking place with no garage in the winter trying to bring groceries in and so forth? That makes no sense to me whatsoever. And if it's senior housing and you have a husband and a wife chances are they will have two cars. So you know I don't see how you could have one parking place because we have a problem with this town now with older homes with narrow driveways and so forth with one-car garage that has a family with four cars and what do they do with them because they're not allowed to park on the street. So why do you want to create more problems you know down the road for somebody? You know - I mean I would be all for it but we have to define what truly is senior housing and who we're looking for and how it should be setup.

Mr. Snyder: Well if you look at that, the reason and the reason that drives that, it's a simple fact that to hold those prices at the market value at 600 to \$700, you cannot build two garages. A garage is going to put \$40,000 to \$50,000 on the cost of each unit. So consequently when you eliminate that and that particular caveat...

Mr. Davies: I understand that, but by the same token...

Mr. Snyder: that caveat of senior housing is relative to tax financing senior housing.

Mr. Davies: But the point being, if the seniors don't rent because they can't live with inclement weather in the winter time and try to get groceries and so forth. Then - now you've got a building that you have to rent. So all of a sudden it becomes low income housing for whoever wants to move in and that's not what you know what we're looking for. So I agree, I think we have to be careful.

Mr. Revoldt: If I can, I'd like to go back to opposition comments. I'd like to recognize this gentleman. Yes, sir. If you'll step forward to the microphone and state your name and address and I would remind all of those in attendance that we've allocated about 16 more minutes to this public hearing, so please summarize if you can.

Dan Greenfelder: I'll try and be brief.

Mr. Revoldt: Please.

Mr. Greenfelder: My name is Dan Greenfelder. I live at 935 Duck Hollow Circle, North Canton. There's a saying that says, "where you stand on an issue depends on where you sit." So let me tell you where I sit and my wife. We moved to North Canton a little bit less than two years ago from the township. A couple of the reasons we came here was that we liked the allotment - we moved into the Sanctuary, but more than that, we like North Canton. We talked to friends of ours that lived here, what it had to offer and what they liked about it. And what they liked about it was it's a good solid community, it had good housing and it had good city services, good Police Department, good Fire Department, good EMS, everything else - I don't know about the water because we don't have your water, but everything else was pretty good. That's what attracted us to it and it takes taxes to do that and I think that what I'm seeing in this proposal is watering down the taxes which waters down your product. I think ultimately, maybe not today, maybe not right tomorrow, but down the road when you start doing these kinds of things to your zoning, you're reducing your zoning, you're not increasing your zoning. You're leaving the door open for taxes to dwindle based on land values and then the City services suffer and then the community is not the same community. It doesn't happen overnight. It

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happens over a long period of time. That's my concern and I don't want to see this product, your product, watered down because of the zoning being watered down and the services not being provided. That's my thought.

Mr. Revoldt: Questions or comments? Thank you. Is there anyone else? Chuck, hang on just a second. I'm going to go to people who don't normally speak at our public hearings and I'll get to you before we wrap up. Is there anyone else who wishes to address the Council on this matter? Yes?

Melanie Roll: 308 Portage Street. Those of you who were on Council in 2005 may remember that I spoke at that time concerning the zoning of what is referred to as the original core of the City and having most of this area now zoned as single family residential has stopped the practice of converting existing homes into duplexes and triplexes. The zoning request before us this evening will also have an impact on the number of rental units in the City. My questions to you to consider are, One - Will senior housing or additional apartment units be an improvement to the City; or has the ratio of rental units to owner/occupied dwellings already reached the tipping point in the City? Number two - How will the properties adjacent to these units be impacted by the proposed reduced footage? I would speculate everyone wants some green space around where we live and how will the increased traffic from these units affect the respective neighborhoods? Three - How will additional apartment units impact North Canton Police and EMS? I would guess probably with increased calls. Four - If a unit is initially constructed as a senior development, but at a future time is converted to a general rental the limited number of parking spaces available could be a hardship. I ask that you think long and hard before granting blanket zoning changes which, if I have read the memorandum from Mr. Hartt correctly, include newly constructed apartments as well as senior housing. My recommendation is a "no" vote on all five proposed amendments from the May 5th Planning Commission Meeting. Thank you.

Mr. Revoldt: Thank you, Mrs. Roll. Is there anyone else who wishes, Chuck, I promise you, you will have the last word here. Yes, Mrs. Baughman.

Miriam Baughman: 320 Weber Avenue NE. And first I have a question for our lawyer. If this is tabled does that mean if it would come back it would come to Council only and not to Planning Commission?

Mr. Nilges: Right, that is...
Mrs. Baughman: Okay.

Mr. Nilges: procedurally, now that Planning Commission has brought it forward to Council and you have the hearing, the way the ordinance reads - Council shall take action on this at some point in the future. It's not specified when that action has to take place but it does need to - that is the next step as Council acts.

Mrs. Baughman: What if it was withdrawn?

Mr. Nilges: By the Planning Commission? That would be the entity that would have to withdraw it.

Mrs. Baughman: So Planning Commission would have to withdraw it?
Mr. Nilges: Correct.

Mrs. Baughman: Okay. I did some research and I in my research, found that Louisville, Hartville, Lake Township, Green, Canton, Plain Township, Alliance and Jackson Township, none of these have a definition of a senior citizen development. So I wondered why we had to have one and I know that in Canton especially they do have senior citizen developments. My next problem is with the definition that's being proposed when it says at least one person who is 55 years of age in each unit. So I guess this is for Mr. Benekos. So if there's only at least one person, that means in a unit you could have a person 55 and a person 18.

Mr. Benekos: Two people 18 and one 55.
Mrs. Baughman: It says at least one person.

Mr. Benekos: 55, but then you could have two people that are 18?

Mrs. Baughman: No, I said you could have one person 55 and one person 18?

Mr. Benekos: Yea...
Mrs. Baughman: Yea.

Mr. Benekos: but you could have additional people that are 18 also.
Mrs. Baughman: Right.

Mr. Benekos: If you had one person 55.

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Mrs. Baughman: Plus you have the 20% who are any age – children, teenagers. Okay, I did further research. The - these are all senior citizen developments: The Mayfair, St. Paul's, The Danbury and the Alsatian. In each of these four the minimum age overall is 55. In the Alsatian their youngest person is 63. In the Danbury, one time they allowed one person 54 to live there because her husband was 55. So these are truly senior citizen developments. If I were and I probably will be soon, looking for a senior citizen development, would read this definition it would be crossed off my list immediately, because what I would think would be bedlam, noise, teenagers with their radios, kids running around. To me that would not be senior development. Thank you.

Mr. Revoldt: Thank you. Mr. Osborne.

Chuck Osborne: My name is Chuck Osborne. 307 Fairview Street NE, North Canton, Ohio. Just as a former speaker noted, these are developer generated requests tailored to this site. Why would you change your entire City's zoning on a request generated by a developer for a specific site? I was chairman of Ordinance & Rules when this present ordinance – zoning was brought into law. I do not remember any discussions about these items we just – that are on the table tonight. Frankly it's very shrewd of Mr. DeHoff and Mr. Lemmon to hire the very planning firm that assisted the City in our zoning. I think there's a huge conflict of interest but I guess that's very shrewd on their part. When he presented the zoning to the City, which took six years and \$56,000, I presumed he was presenting his best faith suggestion for the City's zoning. Now all of a sudden we see him in different shoes here being paid by a different entity and proposing something different. I, too, am a senior citizen. I'll be on Social Security next year. My wife and I each have a car. We need two parking spots. We don't want to leave our car out in the ice and snow. Why would you relegate a senior citizen to leaving their car, possibly two to a single parking stall? Are we going to discriminate now? This is northeast Ohio, we need covered parking. For our Planning Commission to even propose this, just blows my mind and now that they've admitted that this is really off the table, I don't even know why we're here discussing this. I, too, am opposed to everyone of these. It's clearly that this development that was - spurred this request was housing designed for people with less financial capabilities. As the gentleman spoke earlier I forget what you said, 650 or \$700 a month rent is pretty mild in this day in age. So obviously, it was designed - and I don't want to slight seniors, because I'm assisting some couples – families now who could probably use that kind of housing but, why do we want to continue to water down our zoning like we've said, decrease the quality of life in this City and discriminate against people who certainly need additional parking. Seniors certainly have - usually have children, grandchildren; where are they going to park? In the winter time where do you often see snow piled? They take a section of the parking lot and pile the snow there. If you have minimal or no - not enough parking to begin with, what are you going to do with all that snow? I could go on and on and I don't want to take up the rest of the time here. Please, I would – I guess you only have three choices: to accept this, reject it, I don't know if you can modify it. I would just ask that this be refused and let's go back to what we've got and let's deal with this another day and at a better time when people are more educated about this zoning. The zoning is hugely complicated. There are matrixes and mazes, little check box here, which drastically changes oh what you can do here, what you can't do there, it's very complicated. Turn this down and let everybody calm their nerves and go about their life. Thank you.

Mr. Revoldt: Thank you. Is there anyone else who wishes to speak in opposition to the proposal? Yes, mam, if you would step forward to the microphone and state your name and address for the records.

Michelle. Crawford: 930 Duck Hollow. I'm going to speak to you as I got two hats here. I'm a new resident to the Sanctuary, haven't moved in yet, we're still finishing a home there. We were involved in this process three months time. If I had known what was in store for us, let's say, I probably would not have gone forward. I personally don't like any of this. The second way I'm going to speak to you is as a realtor and I will tell you unequivocally that to do these changes will dramatically impact home values in that neighborhood. And I certainly don't want it to happen to me and I don't want it to happen to all my neighbors and we are upset about it. So I implore you to think very hard and long if it does come up. We are vehemently against this. Thank you.

Mr. Revoldt: Thank you Mrs. Crawford. Is there anyone else who wishes to speak regarding this matter, either for or against? Final call for comments. Council, any questions or comments? Mr. Peters.

Mr. Peters: I just had one more comment. There was discussion about creating a senior zone or that type of thing. The only vacant multi-family property that we have in the City is this property, right?

Mr. Benekos: Tom - yes.
Mr. Peters: Okay.

Mr. Hampton (speaking from audience): We can put multi-family in other zoning districts, it's provided. But what we're talking about tonight is strictly restricted to A&B, multi-family A&B.

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Mr. Snyder: It's also permitted in P&I. It's a lower zoning classification so it is permitted such as at the Sanctuary or at the Sanctuary or at the Fairways. That can all be converted to residential multi-family at - without any zone change.

Mr. Foltz: Without a zone change?

Mr. Snyder: Not a zone change - that's P&I and it does permit residential - RMF-4 and RMF-2 housing.

Mr. Foltz: Well, we could vote it down now if you want to if you're making that statement. That's not even a question.

Mr. Revoldt: I think we - in conversation with the Law Department we need to bring this back to our first Council of the Whole from a procedural standpoint. So if there are no other questions, I'll entertain a motion to adjourn this Public Hearing.

ADJOURN:

Mr. DeOrio moved and Mrs. Davies seconded to adjourn the public hearing.

Mr. Revoldt: All in favor please signify by saying "aye". Opposed? We stand adjourned and we'll pick up in about ten minutes.

The meeting adjourned at 6:57 p.m.

David Revoldt

PRESIDENT OF COUNCIL

ATTEST:

Christine M. Halpern

CLERK OF COUNCIL