

RECORD OF PROCEEDINGS

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON PUBLIC HEARING Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 101-08

Held Monday, May 14 6:15 p.m. 20 12

CALL TO ORDER:

The public hearings were called to order Monday, May 14, 2012 at 6:15 p.m. by President of Council Jon Snyder.

ROLL CALL:

Mr. Snyder: Madam Clerk, please call the roll.

Council Members present for the public hearing: Cerreta, Foltz, Fox, Griffith, Kiesling (arrived at 6:58 p.m.), Peters (arrived at 6:31 p.m.), and Snyder.

Mr. Snyder: May we have a motion to excuse members Peters and Kiesling.

Mr. Fox moved and Mr. Cerreta seconded to excuse absence of Council Members Kiesling and Peters. All members present voting:

Yes: Foltz, Fox, Griffith, Snyder, Cerreta

No: 0

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, City Engineer Benekos, Director of Finance Loretto, Director of Administrative Services Bartos and Clerk of Council Kaipac.

A request for an amendment to the North Canton Zoning Ordinance was submitted to amend Section 1125.02(b)(83) and Section 1137.03(d)(2) by the addition of: "...but specifically excluding tattoo and/or body piercing businesses and the like".

The North Canton Planning Commission, at their March 27, 2012 meeting, by a voice vote 5-yes and 0-no, has recommended that Section 1125.02(b)(83) and 1137.03(d)(2) be amended to include "...but specifically excluding tattoo and/or body piercing businesses and the like".

Final action thereon, according to law, will be taken by the Council of the City of North Canton subsequent to the date of said public hearing

Mr. Snyder: We'll break this out into two parts because there are two different requests. One is to prohibit, tattoo parlors and piercing parlors in the City of North Canton and that should be fairly quick and benign. Is there anybody in the audience wishing to speak in favor of having tattoo parlors or piercing salons in the City of North Canton?

Unidentified: I see Sarbaugh back there.

Mr. Snyder: Sarbaugh, Mr. Sarbaugh? Is there anybody wishing to speak against tattoo parlors and piercing salons in the City of North Canton? Are there any questions from the members of Council relative to that? If not, we will move and it will be moved to the Council of the Whole Meeting following this meeting to recommend and uphold the Planning Commission which was a 5-0 vote to prohibit such things in the City of North Canton. Moving to the second request, there's an amendment to the Zoning Ordinance submitted to change the existing zoning from duplex R2 Family to General Business A, to accommodate those apartment buildings. Is there anybody in the audience wishing to speak against the proposed zoning? Step forward, state your name and address for the record, please.

Tom Zucal: I live at 1110 Browning Avenue NW. This is the third time I've been here, and I, my property would - I would be able to see where that's coming in at and I'm against it. I like it the there just the way it is, and that is the way I feel, and that's the way it's been.

Mr. Snyder: Thank you, sir.

Sherman Mattocks: 1031 Werstler Avenue. I'm the property adjacent to the piece of property between the area to be rezoned on the south. I was here, I don't know, three to four years ago, several of you council folks were there at that time when this was brought up for rezoning at that time. Had a petition with about eighty (80%) percent of the surrounding people that have housing on north, east and west of it - I'm sorry, northwest. They all were in agreement that it should not be rezoned, it should remain residential. Well, I didn't have time to do that this time. So, I did something different. I took some time to travel Main Street from Everhard to Orion to see if we have a lack of commercial property available in the City of North Canton. Excluding Hoover, I didn't deal with Hoover at all, but starting with 1611 numerous North Main to 1211 South Main there is about 85,000 square foot of commercial property for lease at the present time; forty plus listings for lease or for sale. And they can range from 800 square feet up to 16,370 square feet, which is the Willis property. We also have an awful lot of open lots, so maybe somebody wants to build a new property; they don't want to take some existing. Waterside, 3 or 5 lots, I'm not sure

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how that's broken up, it's been sitting there for a couple of years, nice grass fields, nice new street for the City to maintain, no income other than tax base from the ground itself. So, they're pretty nice, very accessible, the street dumps right into the residential area which I'm sure those residents loved that change as well. But the open acreage is about 9.92 acres between the South end of town and the North end of town of open lots, green field sites. Some are one; some are two acres; one's only a quarter of an acre; one's 1.17; one's a half; one is 2; and Waterside looks to be about 3, I don't know the exact size, but there's open area. So I thought well, what else would you want to do with the property? Maybe we want to build apartment buildings; more lucrative than Family R-2. Maybe we can get some HUD (Housing Urban Development) money and build low income 8-A Housing and get federal subsidy to do so. What better place to bring in some intercity children to a good school district. The problem is, most low income families at 8-A Housing don't pay many dollars in taxes. The school system right now is in financial jeopardy, as all school systems because the State funding has dropped off, the federal funding has dropped off. The City has done a tremendous job with the loss of Hoover maintaining the services, I've been very pleased, been in this City for 50 years. Don't see anything deteriorating in the City, but, talk to any policeman, 8-A Housing, low-income housing, there's more domestic violence, there's more drugs, not that we don't have enough in the City already, there is more alcohol problems. Maybe they don't want to build that. They can't put in a tattoo parlor and the like, but they certainly could put in a bar, a restaurant, a nightclub, a rental pavilion, music at night, light poles for the light pollution to add to the wooded area all around the residential housing. We're going to have commercial abutting, I believe, R-70 on the south. We don't have many R-70 lots left in the City. I don't know how you will sell one if it's adjacent to a late night activity type installation or building. The biggest question that I have from the Council is what changed? This has been turned down 3 or 4 years ago for pretty much the same reasons that I'm stating now. In addition to this 80,009 acres, we probably have tens of thousands of square foot of space at Hoover that hasn't been developed yet. And I know there's at least three acres of open ground behind the Fire Station in parking lots that could be developed. That's not in the numbers that I quoted earlier. So there is a lot of commercial space available. If you go around town and look and find out how many R-70 lots and how many R-2 lots there are, there's not many left folks. The town is pretty well filled up with housing. So, if we're going to do anything, let's preserve the housing that we have available. People say, well we want R-2. Why not? It's a good place for a retired couple to go in and build a duplex, rent one side out, supplement their income. It's a good place for somebody to do a starter home. We want young people in this town, if we want new taxes. Certainly can't live on retirees, which I will be one soon. But if we don't have the property, where we going to build, where are they going to build big or where are they going to be able to start, and what is going to keep the school district going? Tax based dollars only keeps it going. So, my question to Council, I think the Planning Committee recommended passing of this the last time and obviously they did again this time. But if the Council members saw fit to not pass it the last time, what has changed? I see no change demographically or lack of properties. Thank you.

Mrs. Welch: My name is Miriam Welch. I live at 800 Applegrove Street NW. I'm on the west side of the property involved. My comment is a question. Are you voting tonight on this? According to the agenda, it's going to be voted on tonight.

Mr. Snyder: Well, first of all, for a zone change to pass, it requires the Initiation from the Planning Commission at a public hearing which was done. The recommendation is sent to the Council to which there is a public hearing which we are conducting at the present time. After this meeting is complete (the public hearing), we'll have a committee meeting, and it will go to the full Council for the first reading. It requires three readings ...

Mrs. Welch: Right.

Mr. Snyder: And a thirty-day moratorium after the reading.

Mrs. Welch: So, this doesn't count as a reading then? Or, is this a reading? Is this one of the three readings?

Mr. Snyder: This counts as the public hearing. There will be a reading later this evening.

Mrs. Welch: Okay. I'm sorry. You're going to have -- you're going to read this three times at council, and you'll have three more, or two more public hearings, or...

Mr. Snyder: There will be, there will be two additional opportunities to speak to the Council beyond this. But there will not be any other public hearing.

Mrs. Welch: Okay. Will the residents be informed of ...

Mr. Snyder: You won't directly receive a notice of the meeting. The meeting will be held two alternate Mondays after this.

Mrs. Welch: Okay. So I'll call the Council - the Council Secretary to find out.

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Mr. Snyder: Exactly. You can have the opportunity to speak at that time. That's correct.

Mrs. Welch: Okay, Well then I'm going on record that I'm opposing this as proposed, it's spot zoning, and it would, it's just not good. It's crazy quilt kind of zoning. Thank you.

Mr. Snyder: You're welcome. Anybody else wish to speak in opposition? Is there anyone who wishes to speak in favor of it?

Mr. Craig: 420 Applegrove. I'm speaking on behalf of my mom, Donna Craig. We own the 420 Applegrove lot there, which is the lot to that shaded area - she has the house and a garage there. It's about ¼ of an acre. In - if the other one is going to be commercial, we wanted to include ours, really to prevent spot-zoning. It seems to make sense. And it had been zoned for general business before, and then got reduced to residential. And now we're - it just seems to make sense that, especially with Applegrove going to four lanes and everything that it would be included in the zoning request that the other pieces could go to the business designation. Thank you.

Mr. Snyder: Thank you, sir.

Mr. Postiy: I'm Ron Postiy. I'm one of the owners of the property. First of all, the property is zoned right now for R-2 Family, and we already had an opportunity here a year or so ago to do something with the HUD ("Housing & Urban Development") property, which we're really not looking to do anything with the HUD people because we feel this property is for something better than that. Three years ago we had a dental building that was to be put in there, it was going to be eight dentists in there, and it was turned down because of opposition. It would have generated income. They don't want to go into the Hoover Company. They don't want to go into new building. They'd like to build a new office building. Well this dental office that would generated a lot of money, went to Jackson Township. And I just think the property is - if you look right across the street, you've Schwab Electric, you've got the Plant Hut, and you've got all these things and I think the property could generate income for the City, and I think it would be a good deal for the City and a good deal for the people to rezone it. Thank you.

Mr. Snyder: Mr. Postiy, one question. There are - it's my understanding and I've been told, there are no commercial properties, no commercial venture going to be placed on the property.

Mr. Postiy: Correct.

Mr. Snyder: That's not, it's just ... but there are no commercial ventures going to be placed on the property.

Mr. Postiy: Correct. No, not at this point. No.

Mr. Snyder: Anyone else wish to speak to the Council? Members of Council?

Mr. Foltz: Yes, I'll start, Jon. I appreciate the neighbors coming up. I didn't get a chance to talk to anyone, but I knew they'd show up if we had a public hearing. So, nice to see Mr. Zucal, and Mr. Mattocks, and Mrs. Welch come up. And you're absolutely right, this was brought up three or four years ago and turned down by this Council for the various reasons you spoke of. I'm here to represent my constituents. I know some of them own the property here. And I'm not in favor of this as a Ward Councilman. I realize the City needs business, or it needs tax dollars, but this is spot-zoning what we're doing. I don't think we've done this before in my tenure here. And, I think this opens the door to other zoning to change that, and where does it stop? So, you know, maybe there will be more information about what could possibly be built there, but as far as my vote is concerned, I'm going to stick with the residents that I've represented the last 17 years ...inaudible... So that's my - my thoughts on that. You know because you know we all have to be concerned with anything that we do in the City is the integrity of the neighborhoods. That's first and foremost. These people have lived here numerous years, long term years, built their houses here, remodeled their houses here. And I think we owe it to them, really when we look at these situations, to make sure that we're good neighbors to them as council members, that we represent their wishes. So I just want everybody to think about that before anything goes further with this as far as a council body. Thanks. That's it.

Mr. Snyder: Any other members wishing to speak? I will say I was at the Planning Commission. Chairman Kiesling was unable to attend and asked me to attend, which I did. Unfortunately at that point there was no opposition to it. We did fortunately stop, and they wanted to continue the commercial zoning all the way back, and I felt, as the Law Director will tell you, that first of all, the residents were not notified of that fact, which would cause a problem. Secondly, it was too much invasive into the community. However, when you have that much land, and I think it is in a spot-zone because the zoning to the immediate east of it is all zoned commercial. Is - the problem is you're going to constantly every 60 - 30to 60 days have someone before this body trying to rezone that property. As the gentleman pointed out, it is a four-lane highway it's eventually going to go that way. In fact, we did remove it from the master plan. They wanted to rezone that and suggest

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that rezoning there and we felt that belonged with the Planning Commission and the Council, not with people that were not elected to represent the constituency. But that is all I know about that. Is there anybody else who wishes to speak?

Mr. Fox: Jon, do you believe the reason the vote was 5-0 in favor of it passing was because there was no one there in opposition at that meeting?

Mr. Snyder: No, because I think, I don't recall the last - the last time, I think the intended use, that's why I knew at that time the proponent and the intended end user was at the Planning Commission meeting and stated that did say, again, I think people, I, you know, people are opposed, sometimes apartment buildings, But I think these apartment buildings are in the \$800 to \$1,000 a month range, so they're not generally speaking as apartments per se, as you know I don't to sound snobbish to what an apartment should rent for, but that's pretty high - because they're building those single apartments on the front part of that property which abuts to that, that's the reason that why they requested a zone change. And I think and that was the reason that it was voted 5-0 is because of the end use of it. Now had it had a commercial use, I can't answer that question. I do know that they were in favor, if I'm not mistaken, and the Law Director can ...inaudible... they were in favor of zoning the whole thing, clear out. But again, the neighbors weren't notified of that. They were only notified of the pieces that are in question tonight. So, it would have eventually been illegal because it would have been challenged as a requested zone change without due process.

Mr. Foltz: President Snyder

Mr. Snyder: Yes sir.

Mr. Foltz: Inaudible... comment I made. And anyone else can still obviously give their point of view. What was anticipated being there? Did you say an apartment complex or some other commercial development?

Mr. Snyder: There's four, it's my understanding again, and I don't know,inaudible... I heard at the Planning Commission ...

Mr. Foltz: Okay.

Mr. Snyder: there are four units that would be sixteen apartments placed on that. There'd be no like commercial building, as we would say, a business it would be apartment buildings. It would be four apartment buildings with four units in each apartment. There would be sixteen apartments. But - and it's again my understanding, a portion of it is under mines. So to put a building there would create, you know, an economic disadvantage toward development, I would think, because you have to dig it out, remediate the land and put anything on there, outside of a slab home or something. And, so only a portion of it could be used. At least, that's what was proffered in the Planning Commission meeting.

Mr. Foltz: Do we have the dimensions of that lot, as far as what we showed earlier?

Mr. Snyder: I believe, and again, I apologize, I don't have that, I believe the frontage is 190 feet.

Mr. Cerreta: Can you put that back up there, so we can take a look at it, so we can see the full amount that's going to be zoned compared to what is there? Because you're saying it is not all going to be used.

Mr. Snyder: It's two lots.

Mr. Cerreta: Just two lots. Okay. Just where we looked at. Okay.

Mr. Snyder: It's the two lots that are immediately adjacent to - it's that gentleman and his mother's lot and then the two Postly's have the next one, I think it's 190 frontage on that lot. And your lot is about what, three-quarters, not quite three-quarters of an acre?

Mr. Postly (speaking from the audience): Inaudible.... acres.

Mr. Snyder: And their property is about four point some acreage. Now, I apologize, there are three lots. The Postly's own a home that is presently rented there that is also going to be zoned. So, there are three lots there, not two. I remembered that now.

Mr. Cerreta: Okay. So, that's Applegrove going across the big road.

Mr. Snyder: Down at the bottom.

Mr. Cerreta: Down at the bottom. And Schwab Electric across the street.

Mr. Snyder: Across the street.

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Mr. Cerreta: So, you're saying we're going to go deep, that deep into it to zone. Those are the two or three lots right there?

Mr. Snyder: Don't forget the depth of this one is the majority of that back part is not buildable because it is mined. It could be remediated and built, but the cost they obviously couldn't rent the apartments because the development cost would prohibit it.

Mr. Cerreta: So, if that can't be built on, why are we rezoning - why are we

Mr. Snyder: Well it's all one - it's all one parcel.

Mr. Cerreta: Oh, it's all once parcel. Okay.

Mr. Snyder: They can build to the front, to the center, but not to the back. And in the front, the problem is, in order to put, and again I'm only relying on my memory, to put commercial across the front would land lock the back, so at that point ...inaudible... See they go across the front, and in order to put commercial across the front, it would land lock the back - the center portion which they want to build the apartments on. So that precludes them from developing the commercial. Now, the gentleman is here with his mother that owns the lot right here. I don't know what his intentions are, I can't speak for him. Again, he didn't at that point say anything at the Planning Commission.

Mr. Cerreta: And where their other residential properties are then?

Mr. Snyder: There's a piece of property right, see that little thing there, there's a rented house that the Postiys' own. They are renting that to someone.

Mr. Foltz: That's Mrs. Welch's house there, so it's at 800 Applegrove, right?

Mr. Snyder: Yeah, her home is there.

Mr. Foltz: Inaudible...

Mr. Griffith: So currently with the existing zoning that's there, other than the non-conforming uses that exist, the useable work that you could do would be to create one duplex per parcel under our current zone? Is that correct?

Mr. Snyder: No, they could create - they could create more than that. On this parcel here, the four and one half acres?

Mr. Griffith: Well the proposed parcel.

Mr. Snyder: They could build duplexes on just - on the duplex ...inaudible...

Mr. Griffith: So, more than one duplex?

Mr. Snyder: Yeah, well, maybe around ten, twelve, something like that. They could go back further into here if they wanted to do duplexes and build, you know, without basement, just slabs or something. And I'm not sure how that would work.

Mr. Griffith: But that is without any changes in the zoning?

Mr. Snyder: That's without any zone change, that's correct.

Mr. Cerreta: So, it's zoned for duplexes right now?

Mr. Snyder: It's zoned for duplexes which are across over here, across the street on Lupe, and ...inaudible... which I think they developed all those duplexes.

Mr. Cerreta: I'm really not for any more duplexes myself; just for my own, my own words that I'm not a big duplex person. Yes?

Mr. Postiy (speaking from the audience): Yeah, right now, we had the property laid out and we could actually put in there fourteen duplexes. We had a layout done a couple of years ago, and so it's zoned for that and we could do that ...inaudible... right now. Inaudible... layout. Cooper's laid it out - Cooper Investment. Cooper ...inaudible....

Mr. Snyder: Oh, the architects.

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Mr. Postly (speaking from the audience): yeah, they laid it out, it's fourteen ...inaudible... Without any changes we could actually put, and I'm not trying to sound like a threat. ...inaudible... crap, we could actually put fourteen low income homes ...inaudible... low income properties in there too if we wanted to, with no change. That legally we could do that right now. I get a little upset because we've had a couple of nice things going in there, and people get up and – like this guy on Werstler, fifteen blocks away and can't even see it from there, and he's complaining. And I understand, you know ...

Mr. Mattocks (speaking from the audience): I beg to differ. I can see if from my back ...inaudible... You can see the back part of the property ...inaudible...

Mr. Posity (speaking from the audience): You can see it from Werstler?

Mr. Mattocks (speaking from the audience): I can see it all the way out to that field. You can see the trees planted out there at Rice Pharmacy had planted. Inaudible...

Mr. Postly (speaking from the audience): I can't see it. I drive back in that little cul de sac and I can't see my property. I can see the property behind my property, but I can't see mine. You've got better eyes than I do. So, anyway, we've been trying to do some good things in there. Every time we get something going, you know, maybe we should just go into some low income duplexes. I'm not trying to sound like... but it's to the point where it's getting ridiculous. And we've tried to work along with ...inaudible... So, I just think we could enhance the property, if we built a nice product in there, and get increased income for the City. It made me sick when the du – when the medical building went to Jackson Township because the guy that was representing the builder at the time, he wasn't prepared and we had almost 100% votes and he came in for the final hearing and he didn't have the plans. And I could understand if it was like, but it was a medical building. So it went to Jackson Township and it's making money for the Township. So, I think – so, thank you.

Mr. Snyder: Sir, do you want to step up here to the microphone, sir so we can record...

Mr. Mattocks: I just have one question. Are the three residential properties to the right on Applegrove remaining R-2?

Unidentified: No.

Mr. Mattocks: That little block to the right there?

Mr. Snyder: No, I believe that's one that was the ...inaudible... Or one of them is your property?

Unidentified: He's talking about

Mr. Mattocks: No, to the west.

Mr. Snyder: Yeah, they're remaining. That - we stopped that, that's.

Mr. Mattocks: So we're going to leave a little spot zone R-2. Okay.

Mr. Snyder: Well, they are zoned at presently R-2.

Mr. Mattocks: Yeah, but we're not zoning...

Mr. Snyder: The request – the Planning Commission did request that that change also, but we stopped that because the initial letter to the residents did not include that. And as a matter of fact, unfortunately I called Mr. Bowles but he must have been out of town, or he's – Mr. Benekos ...

Mr. Benekos: The Planning Commission discussed that at their last meeting. And they will be bringing that forward at the next Planning Commission. Now, they won't be able to make it to the next Planning Commission, probably in July we'll be discussing that zoning.

Mr. Snyder: Oh, yeah. We'll be talking about zoning. And, at that point, you know, that's the point where you come to the meeting for that portion of it.

Mr. Fox: For the residents that did speak in opposition, is there a reason that you didn't appear at the zoning meeting, at the Planning Commission's meeting and speaking in opposition? I mean I think we owe some deference to the Commission. They had that meeting and it was advertised, and they voted 5-0 in favor. So that's just some of my concern of why you didn't appear at that meeting. Yes, ma'am.

Unidentified: Do you mean me?

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Mr. Fox: No, Mrs. Welch. Is that correct?

Unidentified: I was not aware of a meeting.

Mr. Fox: Okay.

Mrs. Welch: As luck – as dumb luck would have it, or Murphy's Law, this public hearing for the Planning Commission for this time and last year also, we were on vacation. And what can you do? You just – and my question is, July you're going to, they're going to do the other two properties? You think?

Mr. Snyder: That was the first I heard about this, Mrs. Welch.

Mrs. Welch: Okay.

Mr. Snyder: I defer to the Engineer and he ...inaudible...

Mr. Benekos: Yeah, that just came because their meeting was just last Wednesday.

Mrs. Welch: See and again, we might be in the same situation. People are on vacations and you, as I've discovered over the years we've don't this a lot of times, no matter what the Planning Commission rules, it must come to City Council. So why waste your time, you know? If that's one way of looking at it, people look at it. They know it's going to come to City Council and this is what counts, because the Planning Commission sends it here whether they approve or disapprove it. And the time before this one, the Planning Commission denied the zone change, and I don't know - I could not get a good reason why the Planning Commission approved this time where they disapproved last time. So...

Mr. Snyder: Well, what changes the approve – and I would assume, and I'm - and that's an assumption, it's not a fact, as I sat on the side and didn't participate, I think it is the end use is what they determine whether they approve or disapprove.

Mrs. Welch: The end use?

Mr. Snyder: I mean, what's going to go onto the property. You know, before how invasive the..

Mrs. Welch: Well, the last time, there was nothing proposed, it was just a zone change. It was a year ago. And it was no – no proposal.

Mr. Snyder: The reason it was - that was the time it was turned down that - no one came. The zone change was requested, but no one showed up to speak at the meeting for the zoning change. The proponent did not – the proponents for it didn't even show up.

Mrs. Welch: That's a good reason.

Mr. Snyder: So consequently they felt if somebody didn't show up, they must not needed it that bad.

Mrs. Welch: Oh, okay, yeah.

Mr. Snyder: I think they were on vacation at that time.

Mrs. Welch: Maybe so. Thank you.

Mr. Snyder: You're welcome ma'am.

Mr. Snyder: Any other questions?

Mr. Cerreta: For those who are not in favor of it, why is it besides – is it the view or is it the noise or what exactly is it? Because if there are duplexes there, which I am definitely against duplexes, no more needed in this town, just 'cause we need either commercial or we need some kind of structure - condominium type of things. Is it the view? 'Cause if it's the view, you're still going to a view of duplex houses. I mean, tell me really, just give me some idea why, 'cause you mentioned some things, but no one really said exactly.

Mr. Mattocks: My objection is if it's General Business A, it could be any of all of the above. It doesn't mean it is necessarily a medical building. It could be a restaurant; it could be a bar; it can be a rental hall with noise, lights, light pollution. Those are the things that I would object to. And there's no way that you – that I'm aware of, that you can zone and say you can narrow the zoning down. Here we're looking for zoning A. Poor Bill Willis only has Zone B and he's commercial as commercial can be, right downtown. Now, we're going to give this piece of property even more latitude than he has in his property.

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Mr. Snyder: That's less, that's less. It's less.

Mr. Mattocks: Oh, A is less than B? Okay. I was the wrong direction.

Mr. Snyder: B is the most invasive.

Mr. Mattocks: I'm the wrong direction then. So I apologize for that. But, the point being is, am I incorrect that A can be pretty much any kind of commercial structure?

Mr. Snyder: Anything ...

Mr. Mattocks: Without welding and things like that?

Mr. Snyder: Well it limits drive-thru, it limits - its limiting.

Mr. Mattocks: But it does not limit restaurants, it does not limit fast food, it does not limit...

Mr. Snyder: No fast foods...

Mr. Mattocks: No fast food, but it can be a restaurant.

Mr. Snyder: A sit-down restaurant?

Mr. Mattocks: Yes, I mean a sit-down restaurant. And we have liquor in the area, so a liquor license is possible.

Mr. Snyder: Well, that would be up to you as the voter to decide.

Mr. Mattocks: Well, I'm saying it's possible because we have it at Grinders, we have it at Acme. So that means lights, noise until 2 in the morning.

Mr. Snyder: Well, the problem, and again I'm not sitting here trying to convince everybody which way - the thing is for the front part of this property, which is this piece right here, to be used commercially which is what you're concerned with, obviously, being a merchant myself, I'd want to be on Main Street, I wouldn't want to be on Applegrove. But here's the problem, in order to use that piece of property for any size to require to get the money back for paying for the land and the building, which would probably be near a million dollars when they were done, they would lock - land lock all this back land, which is illegal. You cannot subdivide a piece of property and land lock it - it's illegal. So, there's no possible way, short of, and I understand, am I talking out of school - you have a contract on that property.

Mr. Postiy: Yes, yes.

Mr. Snyder: So, they know what the end user is. And there is not a commercial use to that property. Am I correct in that? Am I speaking out of turn there? They have a contract. So that's - there's not a commercial application. Now, I cannot speak for that gentleman there, but his property is somewhat limited to outside of maybe a very, very small office or something.

Mrs. Welch (speaking from the audience): It's not very deep either.

Mr. Snyder: No, he's not, his probably would be somewhere along the line with the person who is going to buy this property, would buy that just for - just to clean it all up.

Mr. Cerreta: Well, once again, to answer Mr. ...inaudible... is that what is the what it can be, not what it's going to be. That's my objection. It's the possibilities of what it could become.

Unidentified: And right now the possibilities...

Mr. Mattocks: I guess if I knew that it was going to be a medical office building and it could only be a medical office building, or a dentist office building, but that was the problem the last time. It was proposed to be a dentist office building, but the rest of it could be anything. It was the same situation three years ago. It wasn't the medical office building that was going in there. It was "what are you going to do with the other three acres or two and a half acres". It could be whatever. And that is the objection.

Mr. Cerreta: But, you're ok with low-income duplexes?

Mr. Posity (speaking from the audience): Inaudible...

RECORD OF PROCEEDINGS

0305

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DAYTON LEGAL BLANK, INC. FORM NO. 10149

Held Monday, May 14 6:15 p.m. 20 12

Mr. Mattocks: Right now, that is legal, and he has the right to do that. But, I would rather have low-income duplexes than low income multi-family, which he can then do if it's commercial.

Mr. Cerreta: Thank you.

Mr. Foltz: Jon...

Mr. Snyder: Yes, sir.

Mr. Foltz: I think we have to realize, we're changing zoning, we've never done this before. Mark, and I appreciate where you live. I played the course. I think you'd be a little apprehensive if we changed the zoning there as beautiful as that area is and that street that you live on. I'm not trying to pick, I'm just trying to give...

Mr. Cerreta: No, I'm questioning that right in my mind as we talk.

Mr. Foltz: It's a similar example if all of a sudden we made that instead of park P&I we made it, R-2 or GB-A or you know. I'd have a problem with that. I mean you don't know what to expect. You don't - and I think that's - and that's just a common sense situation. These neighbors have lived here, and maybe you can't build on all of it because of the mines and that is part of the appeal when they built their homes there, they had that privacy. I think I'm all for commercial development, but there were some very good points made about other areas in town that aren't being utilized, eight to nine acres, I believe. And there's nothing wrong with that assessment. Why can't, you know why when we look at this whole process the thing that scares me and there could be something very nice being put in there, I could be a no vote and this thing goes and we've got to live with that. I hope it doesn't work out that way, but when you start changing zoning, you're opening that Pandora's Box for everything and that scares me. It does, because everyone has something bigger and better and they think is going to happen and we're sitting here, but you don't know 10, 15, 20 years from now what can happen on that property. That's a fair statement - that's a fair statement. You know, when I look at some of the properties now, I look back and you know, you've got some of the mobile park home there on Applegrove and maybe Councilman Griffith behind your house. I mean, I think there is commercial or apartments right behind some of those situations there. And that's not to me the most appealing process that we can do. You know, it depends on the setbacks, it depends on what kind of facility's in there, how good neighborly are they? You know, is there a lot of problems there. You know, I hear a lot of problems with that apartment complex right off ...inaudible... Papa John's. You know, I hear it. I drove back there. I know it's there. It's a lot of people there. What can we do to change it? We can't do anything to change it, you know. But, we can plan now to make sure those type of situations don't happen here. 'Cause the zoning's not going to require - let that happen. That's all. You know, I just want everyone to think about the ramifications of this. It's not against putting something nice on that street, it's how we're going to get there and how we protect the integrity of the neighborhood that they've enjoyed all their years here living in North Canton.

Mr. Snyder: Wait one minute Mr. Postiy. Go ahead.

Mr. Griffith: When we moved to North Canton about a decade ago, one of the things that I've always respected about this City is the interaction that exists between the commercial areas and the residential areas. We live right next door to Custom Clothing, which obviously they are great neighbors, they do a great job. And, they're are commercial also, so we do live right behind the - very adjacent actually to the apartment buildings that you talked to as well. But the apartment buildings aren't a problem because there is a buffer zone. There's no question about that. And Custom Clothing is, there is a buffer zone there as well. And the nature of the business makes a difference as well, too. And so I guess my question is, the spot zoning issue resonates with me as an attorney and as somebody who's in that area and I guess I balanced that with the issue we have today with the fact we asked what changed and the reality is Applegrove changed. The nature of what's there is different. But I wonder, rather than work and I don't mean to second guess the great efforts of the Planning Commission in trying to do their best, but we're talking about what is now an adjusted strip of property which essentially now goes from the business district that's there all the way down and across through the Girl Scout area, like that, maybe what we could suggest is something that solves both problems. Something that allows for businesses within even maybe a new zoning area that requires a substantial buffer but maybe doesn't permit every kind of business. So, maybe we can do a recognition of both pieces that are there.

Mr. Snyder: I think that is what their intended saying. What he's saying is they're coming back for the additional property in the - did you say the July meeting?

Mr. Griffith: Right. But, I also resonate with the fact that we - there isn't really a restriction that suggests that there should be a buffer. There is no formality in the plan that requires a buffer. I guess that's what...

Mr. Snyder: You mean as far against the residential? Oh, yes ...inaudible...

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Mr. Griffith: Right.

Mr. Snyder: The subdivision regs require it. Whoever builds on it has to submit a site plan and there has to be a buffer. That's required. That's another hearing. That's another time.

Mr. Cerreta: That's a hill, and trees, and that kind of thing.

Mr. Foltz: Right.

Mr. Cerreta: So they cannot see ...

Mr. Snyder: Lighting, controlled lighting, and everything else...

Mr. Foltz: Certain setbacks.

Mr. Snyder: Yeah, everything has to be ...inaudible... That goes through Planning and it comes to Council. That's site planning. That's a different set of hearings. They can't just go in there and build apartments and just put them in there and have the ground all open, or build anything, as far as that, can't even build a duplex without the without the proper buffers from the residential. They won't permit it. We wouldn't permit it.

Mr. Griffith: Right. Well, that's - no, absolutely not. Yeah.

Mr. Cerreta: Well, I think Dan is right too, Applegrove has changed. Applegrove is a very potential business for us - bringing in business, but at the same sense we are careful what we put in, just like anything else.

Mr. Peters: Jon,
Mr. Snyder: Sir.

Mr. Peters: If I could talk to the Engineer here. In the July meeting, what is their intention on the rest of the property; to change to GBA?

Mr. Benekos: I believe that's what they want to do. They are going to have a public hearing and discuss it, but that's what they're proposing.

Mr. Peters: Is GBA?

Mr. Foltz: You're saying the property west - there it is, it's on Applegrove.

Mr. Snyder: Moving towards the Girl Scouts. Correct.

Mr. Peters: And those properties, how far back do they go?

Mr. Griffith: It will just go back, uh

Mr. Benekos: It'll just go back ...

Mr. Peters: To the first break there?

Mr. Benekos: Correct.
Mr. Peters: Okay.

Mr. Benekos: You just fill in that corner...
Mr. Snyder: Right here?

Mr. Benekos: No, to the left.
Mr. Snyder: Over here?

Mr. Benekos: No, to the right. Now ...inaudible...

Mr. Foltz: You're saying on that diagram, Jim, that top line with the diagonal lines in it that goes straight across? That's what you're saying?

Mr. Benekos: Adjacent to Applegrove.

Mayor Held: Why don't you get the pointer?

Mr. Foltz: Yeah, give Jim the pointer. Jon, he's got a better angle than you do anyway.

RECORD OF PROCEEDINGS

0307

Minutes of COUNCIL OF THE CITY OF NORTH CANTON PUBLIC HEARING Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 19148

Held Monday, May 14 6:15 p.m. 20 12

Mr. Snyder: Yeah, I can't see it. I'm looking straight up at it. The way I'm looking, you couldn't build on the side of a hill.

Mayor Held: Here we go.
Mr. Peters: Right there.

Mr. Foltz: That's the next property you're saying is going to be presented to the Planning Commission for zoning?

Mr. Benekos: Correct. These are three...

Mr. Peters: Those are three separate parcels?

Mr. Benekos: Correct.

Mrs. Welch: Are all three going to be presented or just two of them?

Mr. Benekos: I believe all three. The Planning Commission wanted Administration to contact those people, inform them and have a public hearing regarding that.

Mr. Griffith: What's the ... Where's the, is that three parcels in the notch out? Where are the three parcels?

Mr. Benekos: These three right here.

Mr. Griffith: Oh, they're all right there?

Mr. Foltz: Okay. Then how far South are they going to go Jim? Just right there?
Mr. Benekos: Right.

Mr. Foltz: Who owns the property there, that open space? Is that Mrs. Welch? Do you own that property Mrs. Welch? Do you own the property there, the vacant property?

Mrs. Welch: I'm ...

Mr. Foltz: Do you own that strip there that's, that has the trees on it?

Mr. Benekos: This one.
Mayor Held: That's her's.

Mrs. Welch (speaking from the audience): That's Carper's property there, and then that's...

Mr. Foltz: I'm sorry, whose property?

Mrs. Welch (speaking from the audience): Carpers

Mr. Foltz: Carpers

Mrs. Welch (speaking from the audience): C A R P E R S and then next down I believe ...inaudible.... the third one I think is ...inaudible... garage sits there.

Mr. Foltz: What happens with that property in the process?

Mr. Snyder: In tonight's process.

Mr. Foltz: The Carper property.

Mr. Snyder: That stays the way it is right now until the Planning Commission votes on it.

Mr. Foltz: So that could eventually become GB-A too?

Mr. Snyder: Before us. Yes, if they propose that.

Mayor Held: Does ...inaudible... understand where Mrs. Welch's property is at?

Mr. Snyder: Her property is this large piece right here.

Mr. Peters: Hey, Jim what is the mobile park home zoned at right now?

Mr. Benekos: I believe it's GB-A.

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Mr. Snyder: Yes, that's GB-A and so is the insurance agency and the paint store. This brings it all into GBA from Main Street back. It's all one now, all one zoning. The mobile home park existing, the last one remaining is GB-A. The one that is fronted next to Main Street that has an entrance off Main is, RMF-4. Any other questions? Mrs. Kiesling, if you want to add anything ...inaudible...

Mr. Peters: Hey Jon, I do have one more question Jon. Is it the owner that owns the mobile park that is...

Mr. Snyder: No.

Mr. Peters: It is separate owners.

Mr. Snyder: They're separate owners. The piece of property - the mobile - we're talking about two mobile - the mobile home park that's on Applegrove, which I don't know who owns that, the mobile home park that you enter off of Main Street will be the same owner as the - of this piece of property. I think it's the same developer buying it.

Mr. Martell (speaking from the audience): The mobile home park is owned by Lois Martell, my mother.

Mr. Snyder: Yeah. And then the piece on Main Street was, I think it was auctioned. And I don't know if they finally tore all those trailers out or not, they were working on it I know.

Mr. Peters: I mean the end game is to open that whole area up, that whole corner, correct? Are they talking about moving all mobile homes out of there?

Mr. Martell (speaking from the audience): No...inaudible....

Mr. Snyder: You're talking about two different parks.

Mr. Peters: Oh, that's right.

Mr. Martell (speaking from the audience): The mobile park there is not moving, it's been there since '59, and we have no intention of changing it.

Mr. Peters: Okay, that's staying, but that's staying...

Mr. Martell (speaking from the audience): That stays there. Evergreen which is off to the east...

Mr. Peters: Right.

Mr. Martell (speaking from the audience): that's the one that is being developed and all mobile homes are being moved out ...inaudible....

Mr. Peters: Okay.

Mr. Martell (speaking from the audience): It's separate. That's a very old mobile home park.

Mr. Snyder: Yes. And, they've cleaned that. They're at least trying...

Mr. Martell (speaking from the audience): The Martell one is a retirement you have to be 62, it's very nice.

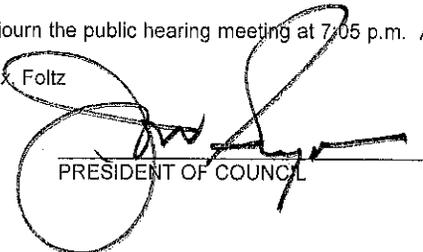
Mr. Foltz: Yes, it's very nice, to your credit and your family's credit.

Mr. Snyder: It's well taken care of, it's a nice piece of property. Any other questions? If not, as soon as this public meeting is adjourned, we'll move to the Council of the Whole to which time the Council will consider moving legislation to the main agenda which will take place in just a few moments. There being no other question to come before this Council relative to the public hearing, I'll entertain a motion to adjourn.

Mr. Griffith moved and Mr. Peters seconded to adjourn the public hearing meeting at 7:05 p.m. All members present voting:

Yes: Cerreta, Griffith, Kiesling, Peters, Snyder, Fox, Foltz

No: 0


PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL
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