

RECORD OF PROCEEDINGS

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

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held Monday, February 24,

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The public hearing was called to order Monday, February 24, 2014 at 6:35 p.m. by President of Council Jon Snyder.

The following members of council were present for the public hearings: Cerreta, Foltz, Kiesling, Peters, Snyder, and Werren. Council Member Griffith was not present for the public hearings.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, City Engineer Benekos, Director of Permits & Development Bowles, 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, Monday, February 24, 2014 at 6:20 p.m. in Council Chambers at North Canton City Hall. The purpose of the hearing will be to establish zoning for the recently-annexed Walsh/Gressel property area. The North Canton Planning Commission, at its December 4, 2013 meeting, recommended that the area be zoned P&I, Park and Institutions. North Canton City Council will take final action on the above issue at its Committee of the Whole and, if necessary, City Council meeting, at date(s) following the public hearing.

Mr. Snyder: Let's see where we're at on this thing, where we're starting at. Marcia doesn't seem to be here, so we'll get started.

Unidentified: She's back there. She's talking to Jim back there

Mr. Snyder: Yeah, here he comes. Is she coming now? Alright, we're open on the public hearing.

Mrs. Kiesling: Thanks. Sorry. So we'll do Walsh/Gressel first. It is, and I don't have my computer on yet, I apologize, I needed to ask Jim a question. Regarding the property that was annexed over by Walsh University, it was previously

Mr. Foltz: It's up on the screen.

Mrs. Kiesling: There it is. It was - it went to Planning Commission, they recommended we rezone it Parks and Institution (P&I), which is what Walsh University is zoned currently, and approved it unanimously. It's coming back here tonight for a public hearing to discuss the zoning here for the City of North Canton. So Jon, you want to ask if anybody wants to....

Mr. Snyder: You know I know that was a residence that they purchased.

Mrs. Kiesling: Right.

Mr. Snyder: They included it in their master property. I don't know if they've done anything with it, per say, but....

Mrs. Kiesling: I don't think they've - they haven't brought - well they're waiting - it needs to be zoned.

Mr. Snyder: Yeah.

Mrs. Kiesling: And all that good stuff before they can do anything

Mr. Snyder: I don't think anything's happened. Is there anyone in the audience wish to comment on that particular zone issue? Oh, excuse me, anybody in the audience wishing to speak in pro or con on the Walsh-Gressel?

Mr. Osborne (speaking from the audience): Can you point out the property?

Mr. Snyder: Yes, we can. I think we have a pointer, if you'll just wait one moment.

Mrs. Kiesling: Can you point it out Jim? Thank you.

Mr. Benekos: It's right here, the parcel that's highlighted. This is East Maple Street, this is Walsh University, and this is the parcel that was recently annexed.

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Mr. Osborne (speaking from the audience): Thank you.

Mr. Snyder: Anyone else? Okay. Then you'll move that to your committee.

Mrs. Kiesling: Yeah. We didn't put it on the agenda. So we'll have to amend the agenda to talk about it tonight. It's not on the agenda, so we'll do that. And we aren't going to vote on it tonight though too, because that's just too quick of a turn around. We'll put it on to vote March 10th, but we'll talk about it tonight and authorize it tonight. Okay. Alright. Well I guess we can start the second public hearing, and that's on - which one? Maple Street, what's the number?

Maple Street Commerce, LLC requests an amendment to the North Canton Zoning Ordinance for the premises located on East Maple Street, Parcel No. 10000415, permitting its zoning classification to be changed from OB, Office Business District, to MUO, Mixed Use Overlay District.

The North Canton Planning Commission, at its November 13, 2013 meeting, by a voice vote 5-yes and 0-no, recommended that Parcel No. 10000415 be rezoned in its entirety to OB, Office Business District.

Mr. Snyder: Yeah, that's from OB, part of R-2F to residential, two-family to entirely OB.

Mrs. Kiesling: Correct. So - alright - so Maple Street Commerce, this is the parking lot over behind the Y. Do we have maps for that? Thank you. It is currently zoned Office Business, and we'd like to....

Mr. Benekos: Do the aerial. No the aerial, the second - the second aerial. The one in the - no, the next one, to the left.

Mrs. Kalpac: Okay, this one?

Mr. Benekos: No, to the right of that. Yep, that one. There we go.

Mrs. Kiesling: Alright. Can you point out this parcel, Jim?

Mr. Benekos: This is the parcel on the west of McKinley. It's Parcel No. 9209516.

Mrs. Kiesling: Yes.

Mr. Benekos: It's currently zoned OB and the request is to add a mixed use overlay to that. So it would OB with the mixed use overlay on top of that. So it's not really changing it, it's adding the mixed use overlay to it. So again, it's this parcel right here.

The North Canton Planning Commission, at its November 13, 2013 meeting, by a voice vote 5-yes and 0-no, in accordance with Section 1127 Establishment of Districts and Map; and Section 1138 Mixed Use Overlay District Regulations, recommended MOU, Mixed Use Overlay District be applied to said properties.

Mr. Peters: Those are the covered parking?

Mr. Benekos: No.

Mrs. Kiesling: No.

Mr. Benekos: The covered parking is to the east of McKinley. This is McKinley.

Mr. Peters: Oh, okay. Alright, I've got it. Okay.

Mr. Benekos: Yeah.

Mrs. Kiesling: Yeah. It's right beside the Y, right by the pool.

Mrs. Werren: Oh.

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Mrs. Kiesling: Yeah.

Mr. Peters: Okay.

Mrs. Kiesling: Yeah, the parking lot that nobody's allowed to park in.

Mr. Benekos: It's the existing parking lot.

Mr. Foltz: That's Bitzer Park over there, right?

Mrs. Werren: Yeah.

Mrs. Kiesling: So at the Planning Commission it was unanimously approved to be - to add the mixed use overlay to this parcel. So if anybody here wants to speak in favor of adding mixed use overlay to that parcel that is currently zoned to OB. Anybody here would like to speak against the mixed use overlay being added to that parcel that is currently OB. Seeing none, I will, we'll move that and amend the agenda and add that to our agenda tonight as well.

Maple Street Commerce, LLC requests an amendment to the North Canton Zoning Ordinance for the premises located on East Maple Street, Parcel No. 10000415, permitting its zoning be changed part OB, Office Business District and part R-2F, Residential Two-Family District, to entirely OB, Office Business

Mrs. Kiesling: Alright. Now this is Parcel No. 10000415. It is currently - oh, this is the R-2F one. This is in the back. Let's leave, should we leave that for last?

Mayor Held: Probably.

Mrs. Kiesling: Yeah. We're going to change. We're not going to go to that.

Maple Street Commerce, LLC requests an amendment to the North Canton Zoning Ordinance for the premises located on East Maple Street, Parcel No. 10000416, permitting its zoning classification to be changed from OB, Office Business District, to MUO, Mixed Use Overlay District.

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Mrs. Kiesling: We're going to go to Maple Street Commerce and it's Parcel No. 10000416 permitting zoning classification to be changed from OB, it's not really being changed from OB, it's staying OB and we're putting mixed use overlay on top of that district. And Jim is showing what parcel that is right at the moment. So it's right across the street from that parking lot. That's where the carport is or ports. So currently zoned OB, going to place mixed use overlay on top. Anybody here wishing to speak in favor of this zone addition?

Mr. Osborne (speaking from the audience): Did you say that's 415?

Mrs. Kiesling: No, we're on 416. I skipped 415, that's the R-2F. So it's 416, it's right across from where the carport is - where the ports are.

Mr. Osborne (speaking from the audience): That's 416? You sure?

Mrs. Kiesling: Well, I can't see that far away...

Mr. Osborne (speaking from the audience): I thought it was 415.

Mrs. Kiesling: No.

Mr. Benekos: 415 is down here.

Mrs. Kiesling: This one - this is 415, this is 416.

Mr. Osborne (speaking from the audience): Okay.

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Mrs. Kiesling: Anybody here wishing to speak in favor of? I think I've already asked that. Anybody here wishing to speak against? Okay....

Mr. Osborne (speaking from the audience): Well I'll say something?

Mrs. Kiesling: Okay.

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. I just want to address the general topic of mixed use overlay. I don't know if anybody understands this. I -- it's taken me several years to get a grasp of this. But really when you overlay mixed use overlay over a previously zoned piece of property, you're basically undoing the zoning of that previous classification and saying anything goes. I'd just like to say that I don't like this. You basically take away the value of the previous classification. So that's all I'm going to say on that one right now.

Mrs. Kiesling: Okay. And I guess I'd like to add placing the mixed use overlay on top of the Office Building actually makes it tougher for them to do whatever they'd like because it makes them bring back a site plan for off-site parking where they wouldn't have had to with -- it makes them all conditional uses. So the site plans have to come back to Planning Commission if they want to make any changes on the parking lot across the street, which previously they wouldn't have to bring changes. So that gives the public another opportunity in a Planning Commission to look at their site plans and tell the Planning Commission what you do and do not like about those site plans. So that is three opportunities as opposed to two. So when we ask them to place the mixed use overlay on it, we did it purposely. We created that district because we wanted to have more oversight on certain districts in the area and that is one of them. So I disagree with you Chuck, I think it gives us more....

Mr. Osborne (speaking from the audience): Well that may be one advantage, but....

Mrs. Kiesling: Well that is the biggest advantage. That's the main reason that you're all here is the site plan.

Mr. Osborne (speaking from the audience): But there are some negatives -- there's some negatives as well. I thank you.

Mrs. Kiesling: You're entitled to your opinion, but at this point everybody is really worried about the site plan, I'm sure of it, which we won't be discussing tonight because the site plan doesn't come to us. But it will give you the opportunity to actually speak in front of Planning Commission. It will give us the opportunity to actually tell the Planning Commission members once we see the site plan, because I'm sure we're all going to go to that meeting, and tell them what we'd really like to see in that site plan as far as setbacks, the height of the buffers, how far the buffers have got to be. You know, they've still got to worry about the Stark Parks and moving the Trail. I mean there's a whole lot going on here. Tonight we're just, you know, adding the mixed use overlay to the Office Business which we believe is a good thing.

Mr. Osborne: I hope you're right. I hope that's worth something.

Mr. Peters: Hey, Marcia.

Mr. Fox: Mr. Osborne, if you would. If you'd just speak from the podium, otherwise, your comments may not get on the record.

Mr. Osborne: Thank you.

Mr. Fox: Yes, sir.

Mr. Peters: Along with the conditional uses, do the restrictions also fall in line there too, because there are some things that are restricted.

Mrs. Kiesling: In Office Buildings.

Mr. Peters: Well in -- it - is there - I guess my question is in a mixed use overlay, are there a laundry list of things that are specifically restricted?

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Mrs. Kiesling: Yes. It's in our zoning. I can't think of anything off the top of my head, but I mean they have to bring back all their plans if they want to place any buildings on there, if they want to do any type of landscaping. Everything is very, very particular in the mixed use overlay. Like their setbacks....

Mr. Peters: For like an example, just say they wanted to put a gas station....

Mrs. Kiesling: Yes.

Mr. Peters: Is that

Mrs. Kiesling: Well that, that takes OB, but all because they want to put a gas station on OB with a mixed use overlay on top, it has -- it all has to come back with a site plan. Regardless, everything has to come back. Where before without it, off the top of my head, I don't think a gas station's allowed in Office Business, but if it were....

Mr. Snyder: Well gas stations are GBB....

Mrs. Kiesling: Yeah, those are in GBB. But, a car wash maybe would be allowed in Office Business, I don't know, but it would be allowed in Office Business and they would just go ahead and do it. Now we've placed a mixed use overlay on top, they have to come back. Which they have to come back to build anything on pieces of property anyways.

Mr. Peters: Right.

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Mrs. Kiesling: But that's not the intent, obviously they're going to make it a parking lot and we all know that. So and mixed use overlay is only going to be useful in very particular areas in the City which is, you know, right here. So that was the purpose of the zoning. And we added that, you know, what six or seven years ago into our zoning code. So okay, I think we did for and against, didn't we? Alright. The next one is first. We have to -- the portion that is currently zoned R-2F and it's the parcel is 415. And we want it - they would like a zone change and Planning unanimously approved a zone change from R-2F to Office Building to make it, you know, contiguous with the rest of the property over there. So first we have to move that out and agree that we want to put that on committee and that will be a whole separate vote. But, is anybody here who would like to speak in favor of changing R-2F to Office Building on Parcel 415?

Mr. Benekos: If I could say....

Mrs. Kiesling: Yes.

Mr. Benekos: that's part of that parcel. So part of the parcel....

Mrs. Kiesling: Right. Part of the parcel is OB already.

Mr. Benekos: and part is R-2F....

Mrs. Kiesling: It's like split in half.

Mr. Benekos: So they wanted to make the whole parcel OB.

Mrs. Kiesling: Right. Do you guys understand that? It's like split right in half, OB, R-2F. And it abuts, you know, R-50 and R-70, but mostly R-50, I think.

Mr. Peters: Yeah. I've actually walked that property.

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Mrs. Kiesling: Right. I have, as well.

Mr. Peters: Yeah, you have.

Mrs. Werren: I have.

Mr. Peters: You have. Mark, have you been over there?

Mr. Cerreta: Yes.

Mr. Peters: And Doug? No, not yet. What - and I don't want to step on anyone's toes, for or against here, but I'll just come out and say, I am against this and the reason being is in that area they're talking about, first of all we've had some flooding issues, some drainage issues. And I'm sure, you know, it could be argued that those would be fixed, but more importantly where they're talking about, and how close it's going to come up to, if you look at the topography of the land, not only is there a huge incline, if they're bringing back the parking lot as far back as what I'm anticipating they're - they want to do, and they're going to also have to move the Stark Parks trail back too. Not only are you going to lose, I mean you're going to have to dig into the ground. You're going to have level that out. And I can't even imagine how many cubic tons of topsoil that is, but you're going to lose about 500 trees. And you're going to come real close, the one home, I believe it's Mark Hipp's home, Officer Hipp. If they come back, and correct me if I'm wrong, but the way it looked to me is if they come back to where they - I think they're going to come back to, you're literally going to have to have a retaining wall, probably 40 to 50 if not higher, feet straight up and ten feet off, not ten feet off, well maybe it would be ten feet off his property, but those are all questions....

Mr. Foltz: Okay,

Mrs. Kiesling: It wouldn't be.

Mr. Foltz: Okay. So what's showing you is this you don't see the trees there, but obviously that's a very heavily wooded and hilly area.

Mrs. Kiesling: Right. All of R-2F is very heavily wooded.

Mr. Foltz: And you come right up on top of the neighbors in that vicinity, right?

Mrs. Werren: Yes.

Mr. Foltz: On the south and east sides.

Mr. Snyder: My question, Madam Chairman, if we change this to Office Business as requested, you've simply said that the people there would have no input as to what went in there. They would not have to submit a site plan to the Council or to anyone. Consequently they could stick anything in there that meets the zoning requirement of Office Business. The neighbors would have no say or no standing to object to what went into their property.

Mrs. Kiesling: Well the next step is replacing mixed use overlay on that as well.

Mr. Snyder: Well you have to do something to protect the residents that the site....

Mrs. Kiesling: And I guess I want to be clear, and I want to make sure I'm right, Eric and Jim, because I tried and I think I clarified this today, in Office Business a setback or in R-2F the setback to residential is 20 feet.

Unidentified: Right.

Mrs. Kiesling: In Office Business, the setback to residential is 40 feet on a rear lot.

Mr. Bowles (speaking from the audience): 40 - 40 feet for zoning, yes.

Mrs. Kiesling: So actually going to Office Business requires a bigger setback.

Mr. Peters: And I think that's what the Planning Commission was looking at.

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Mrs. Kiesling: Yes.

Mr. Peters: They were looking at, but the problem is you're going to have to move that trail back too.

Mrs. Kiesling: Right. I know.

Mr. Peters: You know so the parking lot per say wouldn't, you know, you would have a setback as far as asphalt, if they wanted to extend that parking lot.

Mr. Bowles: Yes the way, and I'm not a designer. I'm certainly not designing for this developer their representatives are here tonight if you want to ask them any questions. But that said, they're allowed to move in their agreement, as I understand it, the Stark Parks Trail one time, and that would probably be at the rear of the lot. And then there are screening requirements that for the Office Business district that will have to be, you know, in place - placed upon however they design the parking lot in the OB district with the overlay that's now R-2F. So you're, you know, you're going to have, per our code, you're going to have the residential screening requirement, plus you're also going to have the require - the Stark Parks Trail in there adding an additional screening and separation from the residential.

Mr. Cerreta: Eric, do you know how large that wall would be?

Mr. Bowles: No, and I don't think the developer does yet.....

Mr. Cerreta: Because if you put a Starks Park trail on top of that wall to go with it, that could be an issue. Somebody with their bike....

Mrs. Kiesling: No, they're going to put it in front of the wall.

Mr. Cerreta: They'll put it in front of the wall, the trail?

Mrs. Kiesling: It will be in front of the wall and then the wall.

Mr. Benekos: I think....

Mrs. Kiesling: Go ahead, Jim.

Mr. Benekos: I think you're way ahead of yourself....

Mrs. Kiesling: Right. That comes back on the site plan.

Mr. Benekos: They haven't submitted a design

Mr. Cerreta: Okay.

Mr. Benekos: You know it's not definite you know that they're going to come....

Mr. Cerreta: But these are things we should know though, before we make some

Mr. Benekos: Well that will go to the Planning Commission.

Mrs. Kiesling: Again.

Mr. Benekos: That will be reviewed by the Engineering Department.

Mr. Bowles: Well not for the zoning question. That's a design question that the Planning Commission reviews.

Mrs. Kiesling: So parking is a conditional use in R-2F. So if we left it R-2F, they could still come and try to make that as parking, and if they got it, which I don't know if they would, they'd only have a 20 foot setback. So I think Eric and Jim and the developers have done a very good job. They want to protect, you know, the surrounding area, and with OB, it is a 40 foot setback. I'm not saying I want parking on that property because I think it's - I would love not to, but....

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Mr. Foltz: You're saying it's legally zoned for parking now?

Mrs. Kiesling: Correct.

Mr. Foltz: Which means it's only a 20 foot setback. If you change it, it becomes a 40 foot setback. Is that what you're saying?

Mrs. Werren: And, if we left it the R-2F, they don't have to come back to us a third time, only two times?

Mrs. Kiesling: I don't know. It says it's conditional in R-2F. Is that correct?

Mr. Benekos: Right. It comes back to the Planning Commission.

Mrs. Werren: Okay.

Mr. Benekos: It doesn't come back to Council.

Mrs. Kiesling: It never comes back to Council.

Mr. Benekos: Site plans don't come to Council.

Mrs. Werren: Okay.

Mrs. Kiesling: So it is a conditional use in R-2F. So if we don't rezone it they come back to Planning and ask for conditional use whether they get it or not, they get it, they come back with site plans. Now Planning could require bigger setbacks, is that correct, Jim?

Mr. Benekos: Right.

Mrs. Kiesling: Even without the mixed use overlay?

Mr. Benekos: Because it's conditional use, Planning Commission could impose any conditions they so wish on them. So if they come in and let's say they meet the minimum requirements of 40 feet, but it doesn't

Mrs. Kiesling: It doesn't look right.

Mr. Benekos: doesn't look right, they're not comfortable with it, they can impose a greater setback or a better buffer, or along those lines. But conditional use, they can impose conditions.

Mrs. Kiesling: Right. So - hold on Chuck, it's - this is where we're at, it's their property. They're asking us to rezone it. I think we've done our due diligence as to what we, you know, the best case scenario we could possibly perceive for the City of North Canton. We have changed our zoning, thankfully six or seven years ago that, you know, provided us with this misuse overlay. That means that they have to come back with a site plan, which you know in the essences are our buffer because, you know obviously we can't tell the Planning Commission what to do, but I think they've done a very good job in the past at protecting us and our residents. And we also can all be here as residents and speak, you know, on the record.

Mr. Peters: I guess my concern is, and I'm not in any way, shape, or form, you know, taking a shot at the Planning Commission because I think that they were looking at

Mrs. Kiesling: Oh, right.

Mr. Peters: You know, what they thought that you know, from a buffer standpoint, what was the best scenario. My only - my concern is, you know they want more parking because they're going to put more businesses in there. And that's a good thing. That's more income tax for us. I guess my question is, has this - has the discussion even come up or come to the fact where you could park on the other side? I mean, has that even been mentioned? Parking, you know, on the other side of the building.

Mrs. Werren: Inaudible... the buildings.

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Mr. Peters: You know, utilizing all that space on the other side? Because my concern is, you know, when the Hoover Company had three 3,000 plus jobs there, you know Maple Street, you know, that little road was able to handle that because they had three shifts. You're going to have, our goal is to probably come close to that number, but more likely than not, the majority of them are going to be first shift. You know, and that's a

Mrs. Kiesling: Well that's their parking issue.

Mr. Peters: Well, it -- but you could put it on the other side and....

Mrs. Kiesling: Eric has a comment about that.

Mr. Bowles: Well here again, you know in our meetings with the developer, their parking plans they are developing the parking on the north side of the lot. And based on their projections, and as you know we worked with them, we've discussed parking facilities, we've discussed parking authorities, that may be coming to pass in the future depending upon the build-out. But it's looking like their parking is going to be very strained on both sides of Taft Street which is a nice problem for the City to have. And one of the considerations for this location or the other location could be some type of multi-car parking deck depending upon its feasibility. So the developer has looked at that, and they brought that up and we - Jim and I have been in meetings with that. So that's all being taken into consideration. And one thing that when Hoover was up and operating, and when they had their maximum 42 or 4300 jobs, they were on shifts. So they were able to move the parking around and accommodate their parking requirements. But most of the people that are going to be parking here, they're going to be 8 to 5. So there's going to be a need for additional parking, and they are going to take advantage of those north lots.

Mrs. Kiesling: I guess we'll move to, if there are no more questions, let's get some input those of you speaking for. I've done that first. Anybody want to speak against?

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. To address the immediate remarks by Mrs. Kiesling here, and I, that was my interpretation when the Planning Commission ruled on this, it would add increased setbacks. But folks we're looking at nearly a 1,000 car parking lot. Does 20 feet really make a difference here? Now there's some other issues here, drainage. This parking lot is drained by a very antiquated storm line. And it zigzags all the way down. Part of that storm line passes through the back yard of a resident, and it collapsed here about four years ago, and the homeowner fell in it and had to be rescued by our squad. So I dare say you would probably have to build a whole new drainage line all the way down to the detention basin where it dumps into. And then that brings up another issue. I don't know whether that detention basin at the end of Wise can even handle this increased amount of flood waters. All that trees and ground does absorb some water here. To clarify, the residential two-family actually extends into the present parking lot. I would ask you to modify the requested zoning to expand it to the current parking lot limits now to make that OB. Now I've talked to Stark Parks, they're not happy. They didn't get word on any of this until late in the game. And they're not, they've already told me they can't relocate the trail. They're not going to put it over top of known mines. So the \$121,000 that they spent designing and building this trail from the High School to the Y, I daresay most of that, and I can't swear because I haven't walked it, I don't know it, but I daresay a good part of it is city streets and sidewalks. The terminus is I guess the trail part of it. So if they're going to have to move their trail, they're going to end up having to move it and just say in this sidewalk down East Maple is a trail. Do we need to actually spend \$121,000 to call a sidewalk a trail? You jeopardize the whole stretch of that trail from the Y. Now let's get to the parking. Again, we're talking a nearly a 1,000 car parking right here in the middle of the City. Now the young lady from Stark Parks, Sarah Buell, that I've talked to, again they're not happy. And she's telling me in her own words, "you remove all this vegetation and this trail atmosphere right here in the core of the City, you're going to change the whole character of downtown." Now we plan a lot of improvements on East Maple. I don't think it's enough of an improvement. It's still going to end up being a two lane road. Can this two lane road handle a thousand car parking lot? I think not. So you have major drainage problems. How are you going to get the water to the detention basin? Whether this detention basin will handle it? And then last of all, in my selfish point of view here, we're losing our buffer. Now our neighborhood is already declining. And you're going to destroy what little values we have in our properties now. Mr. Benekos, can you point your pointer up there to the southern end - that gray area right around Mr. Hipp's house, all that area is what

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they want to add for parking. That whole gray area, that whole gray rectangular area. We can't lose all this vegetation and trees and buffer. Obviously, they will have to put in upgraded lighting and more lighting. It won't be livable there. And you're changing the whole atmosphere and character of the whole area, and that's the words from Sarah Buell. So I would ask you now, I've walked the area with Mrs. Werren, I thank you for coming out, Mrs. Kiesling, Mr. Peters. At least, I'd like you to table it, and I'd like to ask what the rest of you all around there. Barring that, I would ask you to modify it, to expand the OB to the edge of the current parking lot and leave that hillside and all the treed area Residential Two-Family and let it go at that. I think that's all my concerns, the lighting, the loss of the buffer, the congestion. East Maple is wholly inadequate. My street, Fairview, I have traffic running up and down my street, and I'll have to admit I do the same thing. If I'm going to anywhere in this City, I avoid the square. All that East Maple, West Maple traffic is hell. I avoid it at all cost. And that's what people are doing all over this City. So they're coming down my street and zigzagging around McKinley. And you're just going to add to the, the, the inconvenience to the residents and losing their peace and tranquility if you allow this - the footprint of this whole Hoover District to widen and come right up to the edges of residential homes. Now you know your homes is where we have our major investment. It's where we go for solace and peace and tranquility. There's not going to be any of that. Now if you think back over the years, this Council has been very proactive really in preserving neighborhoods. You have left dead-end streets dead-ended. Briar, Weber years ago, you know, you wouldn't allow anything to go through there. So I would ask you to continue that vein because if we can't maintain our neighborhoods, the serenity and peacefulness and tranquility, you're not, who cares how many little retail shops you're going to have around that Hoover District. Nobody is going to be able to walk over there because they're not going to want to, they're not even going to be living in their homes around there. People are going to be fleeing this City. We're all interested in fostering some growth, and some activity, but please not at the expense of homeowners and neighborhoods. When I went to get the maps of the drainage system, the Engineering Department had a hard time finding them. That whole drainage system, that drains, part of it drains East Maple, there's a storm drain up there off of East Maple, it comes all the way across that parking lot, and it's probably 90 years old. I don't know, I'm just guessing. I was just told that it was very antiquated. And again, I know and maybe some of you remember, it collapsed, literally within from me to Mrs. McGrew from somebody's home, a 24 or 36 inch line collapsed. Who would want all that storm drainage coming off a nearly thousand car parking lot, coming right by the foundation of their home? So if you were to approve something like this, how many millions would the City be on the hook for now to rebuild that entire drainage line? And we'd have to get some expertise from Mr. Benekos because that detention basin at the end of Wise, we've had flooding over there, storm lines and sewer lines, right there just two or three doors down from that detention basin. There's more to this than to just a simple expand the parking lot, and we're home free. Anybody have any questions? So I beg of you, please. I'll get down on my knees here and beg, you can't do this to the neighborhood. I was going to take fliers door-to-door Saturday, but I'm going to wait and see where this goes. But all those homes around there, it won't be fit to live in. You'll create a ghetto there. I guess that would probably fit in with the meth house three doors down from my house, and the arson house and all the other foreclosures and rentals. But please, this would be the death blow for this neighborhood. Do not expand that. Thank you.

Mr. Snyder: Well Madam Chairman, you know completing the public hearing portion of this request would be fine. He brings a very good point. I would ask you that we don't move that to the agenda this evening, allowing us to go there and visit the site so that we can actually see what we've got over there. I mean, you've completed that legality of hearing the public hearing. The others you can move to your agenda and the other we could, sometime in the next couple of weeks, get over there and look at that property and see what we've got over there and go from there. I think - yes, sir.

Mr. Peters: I've got one more question. And Jim maybe you can answer this. I don't know if Chuck touched on it, is there a mine possibly running along that back side of the....

Mr. Benekos: My understanding, there is a mine back in there. I haven't seen it myself but I've been made aware that there is a mine back there. And it doesn't surprise me that there is.

Mr. Peters: It runs east, west, correct?

Mr. Benekos: I'm not sure how it runs back there.

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Mr. Cerreta: Jim, how many additional parking spots are they talking about with this?

Mr. Benekos: That I'm not sure. They're here, I don't know if you'd like to ask any questions of...

Mrs. Kiesling: Yeah, if you go on the record, state your name and address, please.

Carol Smith: My name is Carol Smith. I work for IRG representing the developer. My address is 1443 Clearview Road, Lyndhurst, Ohio - that's my home address. So for parking spaces right now, all we have planned back there, if we end up doing the parking, is 100 - about 165 spaces is what we would gain. So we're just asking for the overlay piece so that it matches the rest of the property back there. And we understand that we would have to come forward with a site plan and address all the questions and concerns that would be there. We understand that the hillside is there. And although that parcel is showing you the entire parcel that we're asking to be overlaid, does not mean that the entire parcel is going to be made into parking. We understand the risk back there with the trail and with the hillside and all of that. So although it's being depicted as parking back there, it does not mean that all of that is going to be parking. We're planning 165 spaces.

Mr. Foltz: Okay. I have a question for Jim. Jim, if that is developed into any type of parking, is there going to be a detention, retention basin that's required?

Mr. Benekos: It would be required.

Mr. Foltz: Okay. And what about infrastructure? Are the developers on the hook then to modify the infrastructure to meet the demand of the parking?

Mr. Benekos: Well that would part of the retention. They wouldn't have to upsize the pipes downstream to accept that additional flow. Their detention would reduce the flow going downstream. So the pipes downstream would not have to be increased. You know the condition of the pipes downstream is not, you know, a function of what they're doing or what they're proposing to do. You know, if that's in poor condition as it is now, in some areas as is, you know, any isolated areas on the storm sewer system are, the City would be required, you know, as we find out about it to repair those and upgrade those. But as far as having to wholesale replace the line downstream that would be their responsibility, unless they had to replace the line. But I don't think they'll have to. Again, we haven't seen any plans. Nothing's been submitted. But the storm would be a part of that review process.

Mr. Foltz: Okay.

Mr. Cerreta: What about the increase in lighting? Is that planned for that also?

Carol Smith: We don't have any current plans for that, but we would depict any of that on the site plan if we felt it was necessary for safety and security of the area.

Mr. Cerreta: Jim, is there additional lighting going to be needed back there?

Mr. Benekos: Well any lighting is covered by the zoning, what they can put in, how they have to position it, cutoff lighting, and what's allowed to escape the property and so forth. And again, that's a condition that can be put on by the Planning Commission. But if they put something up that is intrusive to the neighbors, that that would have to be revised.

Mr. Peters: Jim, you were addressing the drainage pipe that goes down in between the homes and all the way down to

Mrs. Kiesling: Wise.

Mr. Benekos: Correct.

Mr. Peters: Wise. How old is that? How big is it?

Mr. Benekos: Off the top of my head, I do not know. We haven't, you know, again they haven't presented plans so we haven't really researched that. I'm thinking it's on the neighborhood of 24 to 36 inch pipe maybe. But

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Mr. Peters: And is there a formula that you use that if you add more square footage of hard surface

Mr. Benekos: There are several methods of determining the size of pipe based on the area of drainage and the intensity of rainfall. Now we need to size a pipe, you know, you have the different rainfall events - you have a one year rainfall event for the probability of a rainfall occurring every year, every two years, every ten years. So you know the ten year event is a much greater event, more than the one year event. So when you're designing the storm sewer system, you don't design it for the hundred year event because your pipes would be enormous. That pipe is probably designed maybe for a five to ten year event. But we would look at that when they submit their plans, we'd see what's the impervious area now and what's the runoff coefficient and what you predict what the current runoff would be. Then you would determine what the run off coefficient would be after they develop it. How much area are they making impervious? And then you determine what that flow would be and then you look at the pipes. What's the slope of the pipe? The greater the slope, the more water it can handle. We look at all those factors. It all gets factored into the equations and the methodology of sizing storm sewer pipes.

Mr. Osborne (speaking from the audience): I have some maps here. Some of that pipeline is 18" and goes to a 36, but I would think that you'd have to reroute the pipe, because like I said, this goes within 6 feet of somebody's foundation. And I have the proposed plans, so to say there's no plans that have been submitted. I got them from your office, Mr. Benekos.

Mr. Benekos: They have not been submitted to be reviewed for Planning Commission.

Mr. Osborne (speaking from the audience): They actually submitted maps.

Mr. Benekos: They submitted maps. It's a conceptual plan. We get conceptual plans all the time. They never come to fruition. As far as, you know, the pipes close to somebody's house, how long, what's the date on that map that you showed?

Mr. Bowles (speaking from the audience): It's from the Planning Commission meeting ...inaudible...

Mr. Benekos: No, the pipe map. That pipe's been there, existing there for several years. It's not going to change if you know....

Mr. Osborne (speaking from the audience): Decades. I dare say it's 60 years old or more.

Mr. Benekos: Yeah. And that's not going to change because they put a park - an addition to the parking lot or they don't put an addition to the parking lot.

Mr. Osborne (speaking from the audience): There's already flooding issues there now. If you add - and look at that, that looks like it's probably 40%

Mr. Benekos: But that's an issue that we will review with the Planning Commission. It's not a zoning issue.

Mrs. Kiesling: Right, it's not a zoning issue. Anybody else, do you have any other questions for - anybody wishing to speak against? I think that's where we're at.

Mr. Snyder: Mrs. Osborne does.

Mrs. Kiesling: Go ahead Rita.

Rita Palmer: 307 Fairview Street, North Canton, Ohio. I have a question, does anybody know if, if you kind of conceptualize it, the brick wall at the top is where Hipp's house is, and I'm down here, and that's give or take where the parking lot is, and there's a trail and then there's parking lot. The trail has to move in, and now we do have a little more distance this way, but we move the trail in, or I understand that's what they want to do. Does that trail, and you're telling me there's 40 feet out, I don't know whether it's coming down the hill or coming out like the crow flies, but 40 feet out, and we have this trail. So the buffer's 40 feet and then the trail and then the parking lot or does the trail go into the 40 feet which gives me as a resident, 25 or 30 feet and then 10 feet of trail. Does anybody know where the trail is

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supposed to go? Does the trail go in the 40 feet or on the other side maybe giving us 50 feet?

Mr. Benekos: Again, everybody worried about that because it's not part of the zoning. When it goes to the Planning Commission and they submit it, we'll review it at that time, where they finally decide to request to put the trail.

Rita Palmer: Okay. I guess my concern is it matters to me because the whole point of changing the zoning was you're going to have a bigger buffer. Well I want to know what a bigger buffer is as regards that extra 10 feet because it's 5 or 6 feet and you have one or two sides, you know, of grass or whatever.

Mr. Benekos: The question is can the trail be within the 40 foot buffer?

Rita Palmer: Yeah, I guess that's the question.

Mr. Benekos: Okay. I haven't looked at that.

Rita Palmer: Okay.

Mr. Benekos: I mean will it make a difference whether you want it there or not?

Rita Palmer: No I -it's part of the whole issue. I don't want it moved. I want it to stay, but I want to know that, okay, let me try to work with you. Let's think of compromise. And if you're saying look at that 40 feet isn't that wonderful, and the trail is in there, then let's just forget the whole thing about the trail and talk, you've got 40 feet. But if it's going to be outside the buffer, then maybe we have 50 feet.

Mr. Benekos: Right.

Rita Palmer: And so that is a concern. And nobody has been able to tell me if it goes in or it goes out. And the other point is, are there mines there? And having lived there all my life and the spot exactly in question is where my father's garden was, where I worked as a kid. I know the area and yes, there are mines all the way through there. I can show, which I did to the three who were here, you know, came out to the house, where you can - the opening of the mine was, where it fell on the Stern property, where it fell on the Gunther property, where it fell on the property where the, where all these sink holes were, and how it runs. And it runs all the way to where it opens. The mine used to come up to have an opening. You could see the wood, you can't anymore, but you used to be able to when I was a kid. And it runs down that whole area which is in this hole, imaginary hillside that we're cutting into, and say, okay, let's put a wall on that, oh oops, there's a mine there. I mean that's going to be a concern somebody would have to, as they did for Bitzer, the street, they had to dig all the holes to find out where it is, and fill it in, or do whatever. So those are my additional concerns.

Mrs. Kiesling: Thanks.

Rita Palmer: Thank you.

Chuck Osborne (speaking from the audience): Stark Parks has already said they're not going to relocate their trail in the buffer. I'm sorry, but again Sarah Buell's already told me that they're not comfortable. They will not relocate their trail up on the buffer area. They're not going to take that risk. So I just want to clarify that. So you....

Mrs. Kiesling: Anybody else wishing to speak?

Mr. Cerreta: You know there's a lot of things here not answered. And I know it does matter to us, I think this information that we don't know before we say let's zone this thing. It does to me. And I think we need to go out there, like Jon said, take a look. It matters to me whether it's 10 feet from that person's line or 20 feet or 30 feet before we zone it. So I would like to see. And maybe we're putting the tail before the, you know, the dog or whatever, but....

Mrs. Kiesling: Well I guess the one

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Mr. Cerreta: I'd like to see some more information about what we're

Mr. Foltz: Well we can table it. I'm comfortable with tabling it.

Mrs. Kiesling: The main question is, if we leave it R-2F, that back portion, the parking is a conditional use on R-2F. They can still park, they could still bring a site plan and come to Planning Commission and put parking on R-2F whether we rezone it or don't rezone it. Correct?

Mr. Benekos: That's my understanding.

Mrs. Kiesling: And so...

Mr. Snyder: Well here, why can't you do this?

Mr. Cerreta: Inaudible... property?

Mrs. Kiesling: R-2F.

Mr. Snyder: Why can't you just complete the public hearing

Mr. Cerreta: They can do whatever they want, right?

Mr. Peters: Right.

Mr. Snyder: and then we don't have to put it on the agenda until we go view it. And then you can view it and then you can make a decision.

Mr. Foltz: I agree, I'd like to see it.

Mr. Snyder: A couple or three weeks.

Mrs. Kiesling: Okay. I completely agree with that. But I just need you all to realize that this is, been planned for months and so

Mr. Foltz: Inaudible... this is more restrictive zoning, that's what you're telling us, because it could be 40 versus 20 feet setback.

Mrs. Kiesling: No, it's more restrictive.

Mr. Foltz: That's what I just said. Yes.

Mrs. Kiesling: Yes. But you guys did have an opportunity to go out. I mean we went out six weeks ago to look at this. So....

Mr. Cerreta: Yeah, we know what it looks like, but we didn't know what their plans are to do with it.

Mrs. Werren: We don't know either though.

Mrs. Kiesling: I mean ...inaudible...

Mr. Cerreta: I mean I know what it looks like. I've been here all my life. I know exactly what. I've been on the trail a hundred times. So - but, what do they plan to do with it? But they do own the property.

Mrs. Kiesling: Correct. And they're asking for the zoning change and really that's, you know, all we're here to discuss. The site plan will come back to Planning, but that's, you know, I don't know that you're going to get your questions answered before I put it back on the agenda, other than you're got to go out and look at it which you could have done in the last six weeks. So I guess that I'm a little disappointed that, you know. Go ahead, Tim.

Mr. Fox: Mr. Benekos, the dimension of the mines. Are these the - similar to the shallow mines that we had discussed on the properties on Applegrove about a year ago? Are these - are we talking 6 feet or perhaps something deeper than that?

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Mr. Benekos: Inaudible... on that scale.

Mr. Fox: Okay. So shallow mines approximately 6 feet would be, if someone unfortunately step in a sink hole and they - approximately 6 feet.

Mr. Benekos: It could be. In that neighborhood.

Mr. Fox: Give or take. But it is a shallow mine?

Mr. Benekos: That's my understanding. Yeah.

Mr. Fox: Okay.

Mr. Benekos: And you know as we recommend to anybody that would build in an area where there are mines, that they would do their due diligence. That they would sink, bore holes, to determine where the voids are and mitigate it before they put anything on it.

Mrs. Kiesling: Right. They aren't going to want their employees to fall....

Mr. Fox: Yeah. It's certainly a bad day even stepping in a shallow mine.

Mrs. Kiesling: Exactly.

Mr. Fox: But the difference between six feet and thirty feet is a bad day....

Mr. Benekos: Right.

Mr. Fox: And your day's done.

Mrs. Kiesling: Very true.

Mayor Held: Okay. Yes. Yeah, I think what the challenge is right now is that there's a process that requires where there's a request in zoning, and the next step is the site plan. They can go through and propose a site plan as it is or we could come up with a more restrictive zoning code. But it's pretty clear that there's a lot of questions that our residents would like to have answered before we even move ahead with the first step, which is to change the zoning. So - and even though it's a short period of time, maybe we can get some of those questions answered from IRG prior to making a decision on the zone change. You know it might ease, you know, make things a little bit easier.

Mrs. Kiesling: Well we're - definitely we're not reading any of them tonight.

Mayor Held: Right.

Mrs. Kiesling: It's not coming back for two weeks.

Mr. Foltz: We're not losing anything, really in two weeks....

Mrs. Kiesling: Right, right.

Mr. Foltz: I'm going to walk the property with the Osbornes. I'll be happy to do that. And it will just be first reading anyway. Correct?

Mrs. Kiesling: Right. In two weeks, we'll just do the first readings. It requires three readings.

Mr. Cerreta: I'm not passing it off on emergency. So, okay.

Mrs. Kiesling: So am I placing it on the agenda tonight to talk about it at committee, even though I don't know that we have a whole lot more to talk about, is that okay? Or do you want to hold it up? Whatever you want to do.

Mr. Snyder: Let's just hold it until the two weeks. Do the other ones and hold this one for a couple of weeks.

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Mr. Cerreta: Inaudible... discussion for tonight.

Mrs. Kiesling: Well, we need to put in on committee if we're going to authorize legislation for two weeks from now.

Mr. Foltz: For two weeks from tonight. As long as every other week

Mrs. Kiesling: Because, I'm not going to put it on committee and read it in two weeks.

Mr. Foltz: Schedule it – I'm really not in favor of it, so that's the problem.

Mr. Peters: I'd rather not.

Mrs. Kiesling: You'd rather wait?

Mr. Peters: Yeah, I'd rather wait.

A request for an amendment to the North Canton Zoning Ordinance for a text amendment was submitted by the North Canton Planning Commission, requesting Section 1135.05(e) Site Development Regulations, be amended to delete Notes(a)(b).

The North Canton Planning Commission, at its December 4, 2013 meeting, by a voice vote 4-yes and 0-no, recommended that Section 1135.05(e) Site Plan Development Regulations, be amended to delete Notes (a)(b).

Mrs. Kiesling: So, we'll put it on the committee, this portion of it, to rezone R-2F to OB, and then that would hit the next one to rezone – to put onto OB the mixed use. We'll hold those back. We've had our public hearing, but we won't talk about it until the 10th. Is that my understanding? Okay. Moving on, the North Canton Planning Commission requested an amendment to the North Canton Zoning Ordinance Section 1135.05, Site Development Regulations to delete Notes(a) and (b). I've got to find 1135.05. I just have a quick question on that inaudible... I'm looking at 1130.05, and I apologize, I forgot to ask you about that today, in Section (e) is Schedules – Site Development Regulations, what are Notes(a) and (b)? What did you say? They're down.... Well, there is no bottom on my zoning book which is 2003, but it's current.

Mr. Bowles (speaking from the audience): Schedule 1135.05 cites development regulations under the RMFA and the RMFB. The Planning Commission recommended to the deletion of the Notes 1135.05(a) and (b). They're at the bottom of the schedule. They're basically adding more difficult language to develop multi-family sites in the RMFA and the RMFB. I can read this to you if you'd like.

Mrs. Kiesling: Well come up here and look at my zoning book and show me what you're talking about because I have this in front of me and I'm thinking. What is (a) and what is (b)? So here's 1135.05(e), so it is these two little notes. Okay. It's way over the other side. Got you. I wanted to confirm that. Okay. So we're going to get rid of (a) which says, "Except that when the length of the building wall facing the lot line is longer than 50 feet. the setback from the project boundary shall be increased by one additional foot of setback for every two feet of wall length greater than 50 feet."

Mr. Bowles: Correct. The Planning Commission thought that the current requirements for setbacks in the schedule from RMFA and RMFB were adequate.

Mrs. Kiesling: So we didn't need those little notes?

Mr. Peters: Right. We have for the past few years, we have cleaned up the language that we found that was either inaccurate or there were some issues taking those to the Planning Commission such as the sign regulations and things like that....

Mrs. Kiesling: Right.

Mr. Bowles: We've made recommendations.

Mrs. Kiesling: Okay. (b) says, "Except that when the length of the longer of the two building walls facing each other is longer than 75 feet, the spacing between the two walls shall be

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increased by one additional foot of setback for every two feet of wall length greater than 75 feet." So we have that somewhere else in the code that addresses it and we're going to get rid of (a) and (b)? It's up above?

Mr. Bowles: Well the Planning Commission thought that this up here if the requirements for the setbacks were sufficient, these were – they were just one more hindrance for a lack of a better word. I mean we're adding one more, you know, requirement over and above the current setbacks, they thought what was in the language now was sufficient.

Mrs. Kiesling: Got you. Alright. Anybody wishing to speak for getting rid of text (a) and (b), Note (a) and (b), do you want... Hold on, Chuck.

Mr. Peters: I have a quick question. Who requested this to the Planning Commission?

Mrs. Kiesling: I think Planning Commission. Who requested it, Eric?

Mr. Bowles: Department of Permits and Development.

Mrs. Kiesling: Okay.

Mr. Bowles: This is one of the things that we requested over the last couple of years to clean up things that we found in the zoning regulations.

Mr. Osborne: The only thing that I can add here, as I recall here about three or four years ago, there was a development plan over where the clubhouse for the golf course there on Applegrove....

Mrs. Kiesling: The Sanctuary.

Mr. Osborne: The Sanctuary. It was located....

Mrs. Kiesling: Oh, where the barn is....

Mr. Osborne: They had planned a real long building. And I think this, and I'm just trying to guess from my memory here, but I think that language factored into killing that project. All I can do is just rely that Permits or whoever's planning, is working on our behalf. Mr. Bowles says that that language, those restrictions are handled elsewhere, but they seem to come in handy in killing that project about four years ago, which is a good thing it got killed. But anyway I guess flip a coin and see what you want to do.

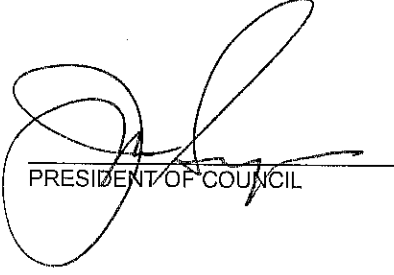
Mrs. Kiesling: Anybody else? Anybody wishing to speak against it? Okay. Alright. Well we'll amend the agenda and place it on. Alright. I think that's it.

Mr. Snyder: Thank you. At this time, I will close the public hearings. The time is – I can't see, it looks like it's about 7:30 – is that right?

Mrs. Kiesling: 7:30.

Mr. Benekos: 7:29.

Mr. Snyder: 7:29


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

3/10/14

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