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CITY OF NORTH CANTON, OHIO

PUBLIC MEETING

**TRANSCRIPT OF
MAY 17, 2021, MEETING
VIRTUAL MEETING**

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Transcript of Public Hearing taken by me, the undersigned, Laurie Maryl Jonas, a Registered Merit Reporter and Notary Public in and for the State of Ohio, at North Canton, Ohio, on Monday, May 17, 2021, at 6:30 p.m.

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APPEARANCES:

- Daniel Jeff Peters, Council President, Ward 2
- Daryl Revoldt, Council Vice President, At Large
- Doug Foltz, Ward 1
- Stephanie Werren, Ward 3
- Dominic Fonte, Ward 4
- Mark R. Cerreta, At Large
- Matthew Stroia, At Large
- Patrick A. DeOrion, Director of Administration
- Catherine A. Farina, Deputy Director of
Administration and Development
- Jina Alaback, Director of Finance
- Robert G. Graham, Engineering Services
- Martin Van Gundy IV, Chief Building Official
- Stephan B. Wilder, Mayor
- Benjamin R. Young, Clerk

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1 MR. PETERS: Good evening, everyone. I'd
2 like to call to order a public hearing, 6:30 p.m.,
3 it's Monday, May 17, 2021.

4 Ben, you want to go ahead and call the roll
5 for this.

6 MR. YOUNG: Member Stroia.

7 MR. STROIA: Here.

8 MR. YOUNG: Member Cerreta.

9 MR. CERRETA: Here.

10 MR. YOUNG: Member Revoldt.

11 MR. REVOLDT: Here.

12 MR. YOUNG: Member Peters.

13 MR. PETERS: Here.

14 MR. YOUNG: Member Foltz.

15 MR. FOLTZ: Here.

16 MR. YOUNG: Member Werren.

17 MRS. WERREN: Here.

18 MR. YOUNG: And Member Fonte.

19 MR. FONTE: Here.

20 MR. YOUNG: Seven present.

21 MR. PETERS: All right. Thank you, Ben.

22 All right. The purpose of this meeting is to
23 obtain the public's input regarding Ordinances 31-21,
24 32-21, and 33-21, which enact new regulations for
25 five business zoning districts to be located along

1 Main Street in the city of North Canton and also
2 adopts a map rezoning approximately 420 parcels along
3 Main Street to the new zones.

4 All right. So at this time I will -- Ben, if
5 you want to take the lead on this, if we could have
6 all the speakers that are in opposition of this zone
7 change, we'll start there.

8 MR. YOUNG: I did not ask when they signed
9 up --

10 MR. PETERS: I'll tell you what. I got you.
11 Let's just go in the list that you have them.

12 MR. YOUNG: All right. Mr. Winkhart, are you
13 with us?

14 MR. WINKHART: I am, yes, Ben.

15 MR. YOUNG: The floor is yours.

16 MR. WINKHART: Thank you very much.

17 Good evening, everyone. My name is Tom
18 Winkhart. My office address is 825 South Main Street
19 in the city of North Canton. I'm speaking tonight
20 both as an attorney for Waterside Development of
21 Stark County Limited, which is a DeHoff Lemmon entity
22 on the east side of South Main Street, and also as a
23 small business owner, having had an office for our
24 law practice and real estate title company on South
25 Main Street for the last 20 years.

1 Also speaking this evening on this issue
2 related to Waterside and the proposed zone change
3 will be Robert DeHoff, the chairman of DeHoff
4 Development Company as well as DeHoff Realtors, and
5 Christopher LeGrand. Christopher is the senior vice
6 president and corporate counsel for Woda Cooper
7 Companies in Columbus.

8 Our group recently became aware of the
9 rezoning initiative that the city has embarked on,
10 and obtained copies of the proposed legislation that
11 is being considered. After we reviewed it, we
12 engaged David Hart of CT Consultants to review it
13 with us and provide us his thoughts on what the city
14 is proposing. Mr. Hart is recognized as one of the
15 deans of comprehensive planning in northeast Ohio for
16 the last 50 years. We've included many of David
17 Hart's thoughts and comments in our remarks tonight.

18 Speaking personally and on behalf of my
19 client, we certainly support good new ideas to
20 redevelop the city of North Canton, encouraging a
21 public-private partnership for investment in the
22 city. We also support good Main Street zoning as
23 well as new residential development, which is very
24 important for the city and also for the city school
25 district.

1 Every historic community would welcome the
2 idea of a central town core development with
3 old-school multi-story buildings that made sense at a
4 time when people walked most places and rode public
5 transportation. Certainly we believe this would be a
6 good idea for a block or two in the area of the YMCA
7 or city hall where walking distances to and from
8 desired locations are reasonable, where permitted
9 mixed uses and development standards are reasonable
10 and economically feasible.

11 Many older communities in northeast Ohio have
12 encouraged this type of development in, say, a third
13 or a half mile within its central area of the city.
14 So it seems the city of North Canton appears to have
15 laid out a rezoning for approximately two and a half
16 miles of Main Street, which is five miles of Main
17 Street frontage both on the west and east side of
18 Main Street, or approximately 26,000 lineal feet.

19 By way of example, most people are familiar
20 with the DeHoff Building on South Main Street. This
21 building was built over 20 years ago and stands as
22 one of the newest multi-story buildings on Main
23 Street. It would take the development of
24 approximately 150 DeHoff Buildings along the proposed
25 rezoning corridor, assuming it could even comply with

1 the new zoning code, which requires a minimum
2 building height of 31 feet. The DeHoff Building, by
3 the way, doesn't comply with what you're proposing
4 for a variety of reasons, one of which is it's not
5 tall enough. And again, I don't mean to overstate
6 what's obvious to most of you, there's been one of
7 those built in the last 20 years.

8 It seems to us that it's unreasonable and
9 even inconceivable to expect Main Street development
10 to be successful along the proposed
11 two-and-a-half-mile stretch of Main Street. This
12 length seems well beyond the length that could
13 possibly contribute to a cohesive downtown area.
14 Few, if any, cities in America could sustain that
15 level of development, let alone North Canton.

16 As the city is aware, Waterside has a
17 contract to sell approximately five acres of its
18 Waterside Development to the Woda Group for a
19 workforce housing development. As the City's aware,
20 I've corresponded with the City and with the Ohio
21 Housing Finance Agency in support of this needed
22 residential development. The City is on record,
23 including correspondence with OHFA, opposing this
24 development. The city's proposed zoning renders this
25 proposed development completely unworkable and serves

1 to rezone the Waterside parcel, depriving it of
2 reasonable economically viable uses.

3 In addition to the five-acre Woda site,
4 Waterside would also have a one-acre development site
5 on South Main Street kind of up at the street level.
6 The proposed minimum height of 35 feet would require
7 a three-story building, the likes of which hasn't
8 been built in North Canton in probably over 50 years.
9 Not one. Requiring a three-story building on this
10 one-acre parcel at Waterside would render the parcel
11 undevelopable and of little value if rezoned as the
12 city has proposed. Further, the proposed residential
13 over office and commercial three-story building
14 requirement doesn't work mathematically, let alone
15 from an economic viability perspective and frankly is
16 preposterous to think about in a town like North
17 Canton.

18 The proposed rezoning stifles meaningful
19 development and deprives property owners from
20 meaningful economic viable uses of their property,
21 dramatically adversely affecting property values.
22 It's our belief that the proposed zoning ordinances
23 should not be adopted as currently proposed.

24 Thank you for allowing my remarks this
25 evening.

1 MR. FONTE: Thank you, Tom.

2 MR. YOUNG: Next is Mr. Robert DeHoff.

3 Mr. DeHoff, are you there?

4 MR. DEHOFF: Can you hear me now?

5 MR. YOUNG: Yeah.

6 MR. DEHOFF: Am I on video or not? I don't
7 need to be, so --

8 MR. CERRETA: Welcome, Bob. Go ahead.

9 MR. DEHOFF: All right. Thank you, Mark.

10 Gentlemen, our family has been on South Main
11 Street for almost 60 years. We -- we had a little
12 building which then became Zampino's Drum Shop that
13 was torn down, remodeled the building next door and
14 then, as you know, we remodeled the historic Frank G.
15 Hoover house and that is Tom Winkhart's office today.
16 And today, some almost 25 years ago, we built our
17 current location at 821 South Main Street, a
18 20,000-square-foot office building.

19 When I went on your website, there are --
20 there are many amendments and articles regarding
21 these proposed zoning amendments. Tonight I'm
22 addressing the one that the mayor signed, a zoning
23 amendment that's dated March 11, 2021. And when I --
24 when I started reading the language, the text
25 changes, I -- I believe that our building here at 821

1 South Main Street was possibly the only building
2 built in the last not 25 years but built in the last
3 50 years, maybe outside of the YMCA, that would meet
4 these new amendments. But on further investigation
5 and further reading, I discovered that our building
6 would not comply.

7 And I -- and these are the four areas that I
8 discovered. One was on the use. As I read the
9 amendments signed by the mayor, in our zone on South
10 Main Street, I think it's Zone C, the -- our office
11 would not be permitted as we must have a retail
12 establishment, a bank or a restaurant on the first
13 floor. We could not have our offices on the first
14 and second floor of our building. I find that
15 ironic. That's a polite word.

16 In Section 1136.06, the front yard setback
17 has to be a maximum of 10 feet. Well, our building
18 doesn't comply with that requirement.

19 Section 1136.07. The minimum building height
20 must be 35 feet. Our building is tall, it's a
21 two-story building. It is not 35 feet high.

22 And the last section that I refer to is
23 Section 1136.08. "Whereas," and I'm reading this
24 text, "buildings wider than 120 feet must be designed
25 to appear like multiple buildings not more than

1 60 feet wide." Well, our building certainly violates
2 that proposed amendment.

3 Gentlemen, I've been at this business for 50
4 years. We're not a big developer as developers' size
5 goes; we really are a family -- small family
6 development company that pretty much sticks to
7 northeast Ohio, about a two-hour drive from our
8 office. We have been involved in many development
9 projects in cities throughout northeast Ohio. I can
10 tell you, I personally know of no developer that has
11 ever built a 35-foot tall building which you're
12 requiring on a one-acre parcel. And yet that is what
13 you're mandating by these proposed zoning amendments.
14 I question whether this council and the leadership of
15 this city recognizes what they're really proposing.

16 These amendments as proposed are not -- I
17 repeat, are not in the best interests of this city
18 today or 50 years from now. This council, this
19 leadership has been misguided. You've been ill
20 advised by the very planning company you have been
21 working with for a couple of years on these zoning
22 amendments. I ask that the leadership take a step
23 back, get some sound advice from other land planners,
24 don't take it from a developer like me, and rework
25 these Main Street amendments.

1 Thank you.

2 MR. FONTE: Thank you, Bob.

3 MR. PETERS: Thank you, Bob.

4 MR. YOUNG: Next is Mr. LeGrand.

5 MR. LEGRAND: Good evening, everybody. It's
6 a pleasure to be with you tonight. My name is Chris
7 LeGrand. I'm the senior vice president and corporate
8 counsel for Woda Cooper Companies. We are based in
9 Columbus, Ohio, but we do business throughout the
10 state of Ohio and actually do business in about 16
11 states. We've developed approximately 350 affordable
12 housing communities in our history. We have over
13 13,500 units of affordable housing and house
14 approximately 30,000 residents.

15 We're presently working to develop the parcel
16 known as Waterside Pointe in the city of North
17 Canton. The proposal is a 54-unit affordable housing
18 complex to be developed at the approximate address of
19 300 Waterside Drive, Southeast. The development
20 would be jointly developed and owned by ICAN, Inc.,
21 ICAN Housing, a nonprofit housing developer located
22 and active in Stark County, Ohio. We believe that
23 the proposal represents a rare opportunity to provide
24 affordable workforce housing to the North Canton
25 community. The proposal is a unique combination of a

1 new construction, a LEED-certified environmentally
2 friendly development of housing in a highly
3 desirable, stable, amenity-rich community.

4 Few affordable workforce housing communities
5 have been developed in North Canton in recent
6 history, from our review. A location that would
7 provide plentiful current and future employment
8 opportunities for families that would choose to live
9 in the property. The development proposal creates a
10 mixed-income community serving households up to
11 80 percent area median income. The location would be
12 ideal for those just entering the workforce, small
13 families, professionals, service industries, and
14 other lower-wage occupations. Within less than a
15 half mile of the site are significant retail,
16 healthcare and restaurant and business opportunities
17 that present a vibrant, walkable lifestyle to the
18 resident. Schools, parks, a community center, a
19 library and government facilities can also be found
20 in walking distance from the proposed site.
21 Nonprofit sponsor ICAN will assist with the delivery
22 of family support services to the community
23 residents.

24 The development proposal was submitted to the
25 Ohio Housing Finance Agency and is presently under

1 consideration for award of housing credits and other
2 housing development resources. We believe that the
3 proposal is a strong one and believe that the
4 prospects for an award of credits and resources are
5 positive.

6 As has been mentioned, the subject parcel
7 would be developed pursuant to a purchase agreement
8 that the development parties have entered into with
9 the current owner, Waterside Development Company of
10 Stark County Limited. We are opposed to the proposed
11 zoning map and zoning rule adjustments that would
12 reclassify I guess 420 parcels in the North Canton
13 Main Street area, including the proposed development
14 site. We believe the changes resulting from the
15 proposed map change could negatively impact our
16 proposed housing development by limiting our ability
17 to develop first-floor units in the proposed project
18 and by requiring that some sort of commercial office
19 or business occupy the first floor of the proposed
20 project. We believe that there are already many
21 office and retail locations within the vicinity of
22 the proposed housing development and therefore
23 believe that requiring that this land use be included
24 in any development proposal would be both excessive
25 and redundant.

1 I'd also briefly mention there are some
2 density requirements in the -- in the proposed change
3 that we think would make multi-family housing
4 difficult to develop because the densities of our
5 properties would typically exceed your density
6 limitations.

7 Our belief is that the proposed change in the
8 application of the change to our proposed development
9 site could be considered a violation of the Federal
10 Fair Housing Act, given that the proposed changes
11 occurred after our discussions with the city and city
12 zoning officials regarding our intended development
13 plan happened. In fact, we and the owner were
14 provided initial review letters by your city's zoning
15 officials stating that the proposed development was
16 essentially by-right development subject only to site
17 plan approval and pursuant to the provisions of the
18 current existing zoning ordinance.

19 We believe a change in the zoning map
20 designation and development prospects for the site
21 would detrimentally impact the proposed development
22 site as affordable mixed-income housing and could be
23 considered an attempt to prevent the development of
24 such housing on the site and in your community. We
25 hope that the city leadership will recognize that,

1 given the clear need for additional workforce
2 affordable housing in the community that any attempt
3 to amend the zoning rules applicable to the proposed
4 development would be and should be rejected as being
5 contrary to the best interests of the local community
6 and as constituting a possible violation of the Fair
7 Housing Act.

8 Thank you for the opportunity to comment on
9 the proposed zoning map change and the property
10 reclassification that could affect the Waterside
11 Pointe Development proposal.

12 MR. FONTE: Thank you, Christopher.

13 MR. YOUNG: Next is Mr. Osborne.

14 Mr. Osborne, are you there?

15 MR. OSBORNE: I am here. Can you hear me?

16 MR. YOUNG: We can, sir.

17 MR. OSBORNE: Okay. It's hard to know where
18 to start with this.

19 First of all, I would say the city of North
20 Canton is like 200 years too late in proposing such a
21 layout in development of the city. This city was
22 never designed for what is being proposed. We have
23 narrow streets. We have residential that backs up to
24 what businesses that are along Main Street.

25 For a little history, I worked with David

1 Hart back in 2002, nearly 20 years ago, when we
2 passed our current zoning as chairman of Ordinance
3 and Rules. The big proponent of this I believe is
4 our current Ordinance and Rules chairman,
5 Mr. Revoldt. This -- if our zoning is so bad for the
6 city that we must throw out the baby with the
7 bathwater, so to speak, Mr. Revoldt, where were you
8 back in the '80s when you were on city council? And
9 I know when the zoning rewrite took place back in the
10 late '90s it took six years to get our current zoning
11 passed by council. Everyone seemed to drag their
12 feet on it.

13 We're not going to turn this city into a
14 destination city. We are a bedroom community.
15 People are not going to walk up and down Main Street
16 here like it's Cincinnati or Columbus or Cleveland.
17 I agree wholeheartedly with 99 percent of what
18 Mr. DeHoff has spoken. This zoning as proposed is
19 totally unworkable for a community such as ours. And
20 yes, it does discourage meaningful development. I'm
21 with you. I'm sorry to say, Mr. DeHoff, though, that
22 I am not in support of the -- putting housing back
23 there on the Waterside property. There were big
24 visions that we were going to put in businesses that
25 would bring jobs to the city, not housing. So in

1 that one small aspect, I disagree. But Mr. DeHoff,
2 everything you said, Mr. Winkhart, everything -- a
3 good part of what you said in support of Mr. DeHoff.

4 This zoning is so far removed from what this
5 city has ever had and so far removed from what it
6 could support. This business, in certain districts,
7 you want to have development clear up to the
8 sidewalk. No setback whatsoever. I'm going to tell
9 you, Main Street needs to be widened. More so in
10 some areas than in others, but the entire length of
11 it needs to be widened. If you start building right
12 up to the sidewalk, you are closing yourself in and
13 you're stuck with your current width of Main Street.
14 People are not going to walk up and down, I don't
15 know, what, 5,000 feet of Main Street. It's just not
16 going to happen. Where are they going to park their
17 cars with no minimal zoning? Zoning -- or parking.
18 No minimal parking requirement.

19 The parking requirement that we have now is
20 kind of a one size fits all. If one business fails
21 and the property has to be resold, you can pretty
22 much guarantee you're going to have adequate parking
23 for the next business that would have an interest to
24 purchase that property and carry on their commercial
25 activities. But leaving parking requirement up to

1 whoever happens to be the first developer and they
2 choose little or nothing, where are people going to
3 park?

4 So if there's a desire to change the zoning,
5 have a targeted approach and tweak it. We cannot
6 just throw out the baby with the bathwater and turn
7 everything on its ear and start from scratch because
8 it's too late. This city was built and started 200
9 years ago. For Mr. Revoldt, Mr. Ward 1 councilman --
10 I'm losing my memory here a little bit -- you voted
11 for the current zoning we have now. What you're
12 pitching now is a total repudiation of what you
13 passed in 2003. And a total repudiation for the rest
14 of you who have been up there for a lengthy period.
15 This is just pure insanity to just throw everything
16 out and turn everything upside down.

17 And some of the comments I heard at the
18 planning commission meeting where you said you would
19 review the zoning every few years. Zoning has to be
20 rock solid. People have to be able to trust what is
21 available today will be available in five years. You
22 can't just whipsaw the community around with changes
23 such as this. So I would throw this whole idea out
24 and I would like to see what Mr. Hart would like to
25 tweak what he had drafted for us and we passed back

1 in 2003. I don't know what we have paid Mr. -- the
2 gentleman from Cincinnati, I know he's worked and
3 created zoning for Fieldcrest and I'll bet you we
4 have probably expended a hundred thousand dollars in
5 land planning costs, largely unworkable. I never saw
6 what was proposed for Fieldcrest, it's never moved
7 forward, but I'll tell you if it's anything like what
8 we're seeing now proposed this is not what North
9 Canton can sustain, can live with, and Mr. DeHoff
10 said it succinctly, it's unworkable for our
11 community.

12 Thank you.

13 MR. FONTE: Thank you.

14 MR. YOUNG: Mr. McGregor never joined us.
15 That is everyone.

16 MR. PETERS: Okay. Thank you, Ben.

17 Patrick, does administration have any
18 comment?

19 MR. DEORIO: I think we can go to Terry or
20 Wayne.

21 MR. PETERS: All right. Terry, Wayne, which
22 one wants to take the lead?

23 MR. MOORE: This is Terry Moore. I'll take
24 the lead.

25 MR. PETERS: All right. Thank you, Terry.

1 MR. MOORE: We appreciate the comments of the
2 people that have spoken tonight. And I'm confident
3 that those comments will be reviewed and considered
4 as we proceed with this zoning.

5 As -- I don't know if most of you know, we've
6 been working on the zoning since 2018, have had a
7 number of meetings with council members, with owners
8 affected by the properties, and have had six council
9 meetings to review the proposed legislation and
10 solicit feedback. So we have tried to obtain the
11 input from the public in general as to these proposed
12 zoning issues. And we are attempting to do what's in
13 the best interests of the city of North Canton and
14 its residents. Our goal is to have the revised
15 zoning changes positively affect the city, the
16 property owners, and the property values to those
17 owners within the city. We also streamlined the
18 regulations and simplified the process. That has
19 been our goal all along.

20 So with that, I would just want to conclude
21 again, we appreciate your input and we will take that
22 into consideration.

23 MR. PETERS: Okay. Thank you, Terry.

24 All right. We've heard from everyone.
25 Seeing that there's no other speakers, we need to get

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into the next meeting. I'll entertain a motion to adjourn this public hearing.

MR. REVOLDT: Revoldt moves.

MR. STROIA: Stroia seconds.

MR. PETERS: All in favor, say "aye."

("Aye" in unison.)

MR. PETERS: Opposed? All right. Motion carries. We are adjourned from the public meeting. I'm going to pause here for about 60 seconds and allow our reporter -- recorder to reset and get ready for the committee of the whole.

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(Meeting adjourned at 7:01 p.m.)

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Attest:


Benjamin R. Young
Clerk of Council

Daniel Jeff Peters
City Council President

