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CITY OF NORTH CANTON, OHIO
PUBLIC MEETING

**TRANSCRIPT OF
AUGUST 23, 2021, MEETING**

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Transcript of Proceedings of the North Canton
City Council, taken by me, the undersigned, Laurie Maryl
Jonas, a Registered Merit Reporter and Notary Public in
and for the State of Ohio, at the North Canton Civic
Center, 845 West Maple Street, North Canton, Ohio, on
Monday, August 23, 2021, at 6:45 p.m.

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1 APPEARANCES:

- 2 Daniel Jeff Peters, Council President, Ward 2
- 3 Daryl Revoldt, Council Vice President, At Large
- 4 Doug Foltz, Ward 1
- 5 Stephanie Werren, Ward 3
- 6 Dominic Fonte, Ward 4
- 7 Mark R. Cerreta, At Large
- 8 Matthew Stroia, At Large
- 9 Patrick A. DeOrio, Director of Administration
- 10 Jina E. Alaback, Director of Finance
- 11 Robert G. Graham, Engineering Services
- 12 Catherine A. Farina, Deputy Director of
Administration and Development
- 13
- 14 Stephan B. Wilder, Mayor
- 15 Martin Van Gundy, IV, Chief Building Officer
- 16 Benjamin R. Young, Clerk

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1 MR. PETERS: Okay. I'd like to call to order
2 the public hearing August 23, 2021. The time is
3 6:45 p.m. The purpose of the hearing is to receive
4 public input on reclassification of zoning for 215
5 parcels in the city of North Canton in order to
6 ensure the current zoning more accurately reflects
7 the current uses as proposed by Ordinance 47-21.

8 So --

9 MR. YOUNG: Roll call.

10 MR. PETERS: Ben, would you please call the
11 roll.

12 MR. YOUNG: Member Revoldt.

13 MR. REVOLDT: Here.

14 MR. YOUNG: Member Fonte.

15 MR. FONTE: Here.

16 MR. YOUNG: Member Cerreta.

17 MR. CERRETA: Here.

18 MR. YOUNG: Member Peters.

19 MR. PETERS: Here.

20 MR. YOUNG: Member Foltz.

21 MR. FOLTZ: Here.

22 MR. YOUNG: Member Stroia.

23 MR. STROIA: Here.

24 MR. YOUNG: And Member Werren.

25 MR. PETERS: Motion to excuse Member Werren.

1 MR. FOLTZ: So moved.

2 MR. REVOLDT: Second.

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

4 ("Aye" in unison.)

5 MR. PETERS: Opposed? Motion carries.

6 All right. At this time I'm going to turn it
7 over to Clerk Ben Young. He's going to go section by
8 section, but let the Record reflect that Member
9 Werren just joined us.

10 If you have -- if you live in the section
11 that he puts up on the screen and you have any
12 questions or concerns, we'll address them at that
13 point. I'll ask you to come to the podium and state
14 your name and address and we'll go from there.

15 So, Ben.

16 MR. YOUNG: So, yes. As you stated, we're
17 here for 215 parcels spread throughout the city.
18 These are sort of zoning cleanups of things we
19 identified on the map that don't quite match what
20 they're actually being used for. This originally
21 came to us from planning commission and we have a
22 number of proposed amendments for you to consider
23 tonight. If we make those amendments, we will need
24 to send it back to planning commission.

25 MR. PETERS: Ben, before we go, just one item

1 was brought up to me prior to the meeting. Any of
2 the zoning changes, will this be -- will this affect
3 in any way property tax, plus or minus?

4 MR. YOUNG: We do not anticipate any of these
5 changes affecting property taxes or values for
6 anybody affected.

7 MR. PETERS: Okay. Yeah.

8 MR. YOUNG: So Section A, this is various
9 properties along Beechwood Avenue. The recommended
10 change from Marty and I for this is instead of
11 changing the front half of these properties to be
12 RMF-B, change the back half to be RMF-A because all
13 of the surrounding properties are already RMF-A. If
14 anybody is here from these properties and wishes to
15 address council.

16 MR. FONTE: Hey, Ben. Could you say what RMF
17 stands for.

18 MR. YOUNG: RMF is residential multi-family.
19 A has a slightly higher density than B.

20 This proposed change is supported by a letter
21 from some of the property owners who currently have
22 an apartment building on the property that has 24
23 units and would be nonconforming if we changed it to
24 B.

25 MR. PETERS: Any questions to this section?

1 Okay. Moving on.

2 MR. YOUNG: Section B, we have no recommended
3 changes. This is a part of a parcel that is zoned
4 differently than the rest of the parcel for some
5 reason.

6 MR. PETERS: Are there homes on this piece
7 here?

8 MR. YOUNG: There's multi-family housing.
9 There's an apartment building further south, so you
10 can see the structure there on your screen, the
11 parking garages.

12 MR. PETERS: Yeah.

13 MR. FOLTZ: Ben, could you tell us, give us a
14 street?

15 MR. YOUNG: This is located on School Street,
16 Northeast.

17 MR. FOLTZ: Just so everybody knows where
18 we're looking. Thank you.

19 MR. PETERS: All the parking is at the bottom
20 of the hill for those apartments?

21 MR. YOUNG: Yes.

22 MR. PETERS: Okay. Anybody live in those
23 apartments? All right. Moving on.

24 MR. YOUNG: Section C. This is a
25 single-family home at 605 Lois Avenue, Northwest.

1 Three parcel numbers were inadvertently excluded from
2 the text of the ordinance you have there on the
3 screen. We'd like to add them. And then in my last
4 phone call with the property owner, he did request to
5 be changed to Residential Multi-Family B instead of
6 residential single family large Lot R-70.

7 MR. PETERS: Why was that? What was the
8 reason behind that?

9 MR. YOUNG: We -- the notification letter we
10 had sent him accidentally said that he was going to
11 be zoned Residential Multi-Family A. He did research
12 on what those districts would allow him to do with
13 this property and he called me back and said he would
14 rather be RMF-B. I informed him of the mistake that
15 had been made; he said he would still like to be
16 RMF-B.

17 MR. PETERS: Okay. That's a lower density or
18 lower? B.

19 MR. YOUNG: B is a slightly lower density
20 multi-family housing. B permits 12 units per acre,
21 so half as many as A.

22 MR. FOLTZ: I had a question. Mr. Kidder is
23 here. Does that affect you in any way?

24 MR. KIDDER: No, not that particular lot.

25 MR. FOLTZ: Okay. So you're not. Just so I

1 know. Thank you. All right.

2 MR. PETERS: Okay. Moving on.

3 MR. YOUNG: Sections D and --

4 MR. PETERS: Yes, sir.

5 MR. MIZAREK: I'm the gentleman that's from
6 605 Lois.

7 MR. PETERS: Yeah, please.

8 MR. MIZAREK: And, Ben, you're confused as
9 you were on the phone. I requested A when you said B
10 because it was a higher density. If I was going to
11 make a change to my present zoning.

12 MR. YOUNG: My mistake. I'm sorry.

13 MR. MIZAREK: We invested, when we bought
14 that parcel, with opportunity for the future. Now
15 you want to try to take away that opportunity of our
16 zoning. Which right now I'm -- to my east is The
17 Chapel. P & I. To my north there is multi-family.
18 To my west there's office. General office. And to
19 my south there's general business. When I mentioned
20 to Ben I would consider, after receiving the letter
21 and then he said that there was a mistake made,
22 that's when I got a little excited about the
23 positioning of my investment. We built there to
24 raise our family here, which we did. Where I go in
25 the future I don't know. But multi-family is

1 considerable at this point. I may want to be general
2 business to myself. Which would incorporate the red
3 area on the map. So I wanted to voice my opinion as
4 a resident of North Canton city.

5 MR. PETERS: Mike, I thank you. I guess you
6 basically verbalized what I was thinking, is these
7 changes, when the folks decide to move on as you get,
8 you know, later in life or whatever, or they just
9 want to move on and sell it as an investment
10 property, how that would affect you. And that would.

11 MR. MIZAREK: Correct.

12 MR. PETERS: That would affect you in the
13 pocketbook.

14 MR. MIZAREK: Very much. That was my biggest
15 concern about any changes to our zoning. As a team
16 player, of course we want to see North Canton thrive
17 and grow. And as my financial investment, I want to
18 make sure I protect it.

19 MR. FONTE: Thank you.

20 MR. FOLTZ: Thank you.

21 MR. MIZAREK: Any questions?

22 MR. PETERS: Thank you, Mike.

23 MR. FONTE: Thank you.

24 MR. PETERS: Make note of that.

25 MR. FONTE: Is that No. 88? This one right

1 here on the screen.

2 MR. YOUNG: This is Section 8. So the 88 is
3 the section, it's a plat notation. It doesn't apply.

4 MR. FONTE: This is his parcel right here on
5 the top part? We're talking about here, this three
6 or four parcels?

7 MR. YOUNG: He owns all five; correct? You
8 own all five of these parcels.

9 MR. MIZAREK: That's correct, yeah.
10 4.8 acres.

11 MR. YOUNG: They're currently zoned Park and
12 Institution. It's the tail end of the old Hoover
13 rail system.

14 MR. PETERS: Okay.

15 MR. REVOLDT: I was just going to add, you
16 know, there may be some questions about why we're
17 going through and doing this, and this is -- this is
18 a great example. Because if this property is
19 currently zoned Park and Institutional, you would be
20 denied an opportunity to develop that property
21 without a zone change. And that zone change would
22 obviously have to move through the planning
23 commission, through council, and would take many,
24 many, many weeks to accomplish it. So this is the
25 purpose behind this general cleanup. Make sure that

1 we have got everything lined up for the appropriate
2 uses.

3 So to your point, when a transfer occurs, the
4 zoning is correct and it doesn't come up in a title
5 search and says, oh, hey, this is Park and
6 Institutional. You can't build anything on it except
7 a park or a church.

8 MR. PETERS: Generally speaking, it works.
9 But from a density standpoint, A or B, that's --

10 MR. REVOLDT: See, that's why -- again,
11 that's why we're going from P & I here --

12 MR. PETERS: Yeah.

13 MR. REVOLDT: -- to this and we're going
14 through the exercises to make sure that these uses
15 align properly.

16 MR. PETERS: Okay.

17 MR. REVOLDT: Okay. And this is going to be
18 B; correct?

19 MR. YOUNG: A.

20 MR. REVOLDT: A. Okay. All right. A.

21 MR. PETERS: All right.

22 MR. YOUNG: Sections D and E, these are on
23 opposite sides of Whittier Avenue. And as you can
24 see, there are portions of the church's parking lot
25 that are currently zoned R-50. Is anybody here from

1 the church?

2 MR. PETERS: Tim.

3 MR. KIDDER: Thank you. I read the
4 description. I live at 1311 Portage.

5 MR. PETERS: The microphone. You have to
6 talk into the microphone.

7 MR. FONTE: You have to say your name.

8 MR. KIDDER: This is Tim Kidder. I live at
9 1311 Portage Street. My family owns the property
10 from Portage back to The Chapel. And in looking at
11 what I got online, where you have red highlighted, is
12 that correct, what the zoning change is?

13 MR. YOUNG: Yeah.

14 MR. KIDDER: I believe that is a part of our
15 woods. That is not parking lot of The Chapel.

16 MR. YOUNG: So we -- the red highlight is on
17 whatever the county auditor's website shows as the
18 parcel boundary, so the actual zoning would be
19 wherever the property line is.

20 MR. KIDDER: Okay. Well, Exhibit D is
21 incorrect, though, because that's part of my woods.

22 MR. YOUNG: Yeah. So you're saying the
23 bottom strip here, you're saying, is part of the
24 woods and then the property line is right next to the
25 parking lot.

1 MR. FONTE: Are you talking right here, Tim?

2 MR. KIDDER: Yes.

3 MR. FONTE: So that would be -- I can't read
4 what it says, but that looks like there's woods
5 but --

6 MR. KIDDER: It's all woods and it's our
7 property.

8 MR. FONTE: So you're saying there's no
9 parking lot, no parking lot there at all?

10 MR. KIDDER: No. It's all trees. And I
11 certainly don't want the zoning changed, because if
12 my kids -- I may want to build a retirement home up
13 there and I don't want to have it changed.

14 MR. YOUNG: There is a parking lot in this
15 picture.

16 MR. KIDDER: I understand that, but the
17 highlighted part is my property. And that's what I
18 want to clear up.

19 MR. FONTE: A survey would take care of that,
20 too, a real survey.

21 MR. KIDDER: Yeah.

22 MR. FOLTZ: You're saying this is part of
23 your property and this is part of your property, the
24 lines.

25 MR. KIDDER: Correct.

1 MR. FONTE: A lot of times the GIS, you know,
2 they make boo-boos. We use those as kind of like a
3 gauge, but to get it a hundred percent accurate you
4 probably want a stickpin survey.

5 MR. KIDDER: That would be helpful. That
6 would let me rest assured because, you know, that is
7 incorrect as it is now.

8 MR. PETERS: What is our point of reference?
9 Marty?

10 MR. DEORIO: It's the county auditor.

11 MS. FARINA: Stark County.

12 MR. FONTE: I mean, they just totally
13 revamped everything so I'm finding a lot of little
14 things that are not exactly perfect. It's basically
15 a gauge. It's not exactly accurate always.

16 MR. PETERS: You have to be accurate with the
17 zoning.

18 MR. YOUNG: Well, my point is that there is a
19 parcel with the listed parcel number in the text
20 owned by The Chapel. Wherever the actual property
21 line is, that is where this zoning stops. So whether
22 or not this picture and the line provided by the
23 auditor is a hundred percent accurate, the zoning is
24 based on the piece of land, not this picture.

25 MR. REVOLDT: That is correct. What

1 you're -- what you're going to be voting on in Item D
2 is Outlot 238. So the question for Mr. Kidder is, do
3 you own Outlot 238?

4 MR. KIDDER: I'm not sure -- I'm not sure of
5 the outlots.

6 MR. REVOLDT: That -- that's what matters.

7 MR. FONTE: Marty, you could look on the
8 auditor's website.

9 MR. DEORIO: I got it, Dominic, and it's
10 owned by Jayne Kidder.

11 MR. KIDDER: Yeah. That's my mom.

12 MR. REVOLDT: 238. That's wrong.

13 MR. DEORIO: The one on the left there, the
14 big red rectangle on the left -- not those two, the
15 other one, that big one is owned by Jayne Kidder.

16 MR. KIDDER: Right.

17 MR. FONTE: So that's a typo.

18 MR. KIDDER: No, that's wrong.

19 MR. FONTE: So it looks like the church owns
20 it; correct?

21 MR. REVOLDT: No, he owns it.

22 MR. FONTE: No, no. I'm saying is that it
23 looks like there's a parking lot on it by the
24 picture.

25 MR. REVOLDT: Okay.

1 MR. FONTE: That's all I'm saying. And the
2 church would have the parking lot on it. But, in
3 fact, there's woods; right?

4 MR. KIDDER: Correct.

5 MR. DEORIO: There is woods at the end of the
6 parking lot that's on church property. And then
7 there's looks like maybe probably a 5-foot buffer.

8 MR. KIDDER: Yeah, there maybe.

9 MR. REVOLDT: Are you talking about Item D?
10 We need to put a hold on Item D to figure out what
11 the planning commission's intent is.

12 MR. KIDDER: Yeah. And we may have to have
13 somebody do a survey.

14 MR. DEORIO: The other two little ones that
15 are in the survey are owed by The Chapel.

16 MR. FOLTZ: Over here.

17 MR. KIDDER: The Chapel, there's a small part
18 of the woods that is on The Chapel's property, but
19 that 1.19 acres is ours. So I just want to make --
20 that's why I'm here, so we can clear these things up.

21 MR. REVOLDT: It's a good catch.

22 MR. FOLTZ: Other than the property lines, do
23 you have any other comments you want on the record?

24 MR. KIDDER: No. How are we going to follow
25 up on this with me?

1 MR. REVOLDT: Let's put a hold on D until we
2 straighten it out.

3 MR. KIDDER: Okay.

4 MR. PETERS: C and D, it looks like.

5 MR. KIDDER: Yeah. Sounds good. Thank you
6 very much for your time.

7 MR. FONTE: Thanks, Tim.

8 MR. PETERS: Anybody else affected by that,
9 this one here?

10 MR. KIDDER: Just a follow-up. I'm sorry. I
11 don't own the property on the other side of Whittier,
12 but when I went up and visually looked at it, it is
13 the same thing. I think if you look, those two lots
14 are not owned by The Chapel. I think it's the same
15 thing.

16 MR. FOLTZ: 4914 and 4915.

17 MR. KIDDER: Yeah, but I can't speak because
18 I don't own that. So you might want to look into
19 that one also.

20 MR. REVOLDT: Put a hold on those two also.
21 Okay.

22 MR. PETERS: Okay. Ben.

23 MR. YOUNG: All right. This is Section F.
24 Along either side of Emerson. Again, this is former
25 Hoover rail currently zoned Park and Institutional.

1 We'd like to zone it single family to match the
2 neighborhood that it's in. The two parcels on the
3 left side of your screen are listed as being owned by
4 The Chapel in North Canton. And then the other three
5 on the right side are all private owners.

6 MR. PETERS: Is anyone affected by this
7 exhibit? All right.

8 Ben.

9 MR. YOUNG: Section G, very similar. These
10 ones are becoming R-70 instead of R-50. These are on
11 either side of Werstler Avenue.

12 MR. PETERS: Is there anyone affected by
13 this? Okay. Ben.

14 MR. YOUNG: All right. I and H are also
15 former rail, P & I to single family. It's our
16 recommendation that these be consolidated. These are
17 all on the west side of Pierce Avenue.

18 MR. PETERS: Is anyone affected on Pierce?

19 MR. YOUNG: All right. The last of the old
20 Hoover railroads. These are three parcels on the
21 east side of Pierce Avenue. I believe these are
22 becoming R-70, whereas the other side is becoming
23 R-50.

24 MR. FONTE: Did you say R-70?

25 MR. YOUNG: Yes. Again, we would ask to

1 consolidate these into one amendment for simplicity.

2 MR. PETERS: Okay. Anyone have any comment
3 that's affected in this one? Are you good, Jamie?

4 MR. YOUNG: Section M is the back half of a
5 business district. It is our recommendation that
6 this section should be cut entirely as it was in the
7 Main Street zoning that you all adopted earlier this
8 year. A function of us working on both projects at
9 the same time, it got included.

10 MR. PETERS: That's two parcels?

11 MR. YOUNG: It's one long parcel there, and
12 the back half has different zoning than the front
13 half.

14 MR. PETERS: Okay.

15 MR. YOUNG: Well, it did. Now it's all Main
16 Street North. So --

17 MR. PETERS: Got you. But at one point that
18 one parcel had two zoning classifications.

19 MR. YOUNG: Yes.

20 MR. PETERS: Is the owner of that property
21 here tonight?

22 MR. YOUNG: 917 North Main Street.

23 MR. PETERS: All right.

24 MR. FONTE: So that falls under the new
25 jurisdiction of the five districts; right?

1 MR. YOUNG: Yes. So that's why we're
2 recommending cutting this from the ordinance.

3 MR. FONTE: Right. That makes sense. And so
4 that particular piece that's highlighted, the person
5 that owns the house owns that lot behind it; correct?
6 It's all one big piece or is it two parcels? It
7 looks like it might be two parcels.

8 MR. DEORIO: It's one parcel. That's why the
9 zoning has to change.

10 MR. YOUNG: It's one parcel.

11 MR. FONTE: I see.

12 MR. DEORIO: One parcel.

13 MR. PETERS: Okay. Ben, moving on.

14 MR. YOUNG: N, this is the house at the end
15 of St. Luke's that they have purchased. We're
16 recommending changing it to P & I.

17 MR. PETERS: St. Luke's owns one of those
18 properties, right, or do they own both of them?

19 MR. YOUNG: They own both of those
20 properties.

21 MR. PETERS: They own both of them. Okay.
22 Okay. Moving on.

23 MR. YOUNG: Hoover High School. Recommending
24 changing it to Park and Institutional.

25 MR. PETERS: What was it zoned before?

1 MR. YOUNG: It's currently zoned residential
2 single-family large lot.

3 MRS. WERREN: It is a large lot.

4 MR. YOUNG: It is quite a large lot.

5 MRS. WERREN: Other than that --

6 MR. PETERS: All right. So this is a prime
7 example. So from a tax standpoint, by changing it,
8 this doesn't affect their standing --

9 MR. YOUNG: No.

10 MR. PETERS: -- with the auditor at any
11 point?

12 MR. YOUNG: Shouldn't, no.

13 MR. FONTE: The only way it would affect it
14 is if they eliminated the school and wanted to build
15 houses; correct?

16 MR. YOUNG: Yes.

17 MR. PETERS: Okay. Moving on.

18 MR. YOUNG: P, these are the open
19 spaces/Stark Parks easements in The Sanctuary. We
20 have heard from the homeowners association and they
21 would rather that all of these parcels remain R-50
22 instead of being changed to Park and Institutional.
23 In which case we would just cut this amendment.

24 MR. CERRETA: He wants to speak.

25 MR. PETERS: Oh, yes, sir. Please.

1 MR. ROBINSON: My name is Rod Robinson. I'm
2 the president of The Sanctuary Homeowners
3 Association.

4 These five parcels are what we referred to as
5 common areas. One is a boulevard entrance, three are
6 ponds, and one is a green area in front of a group of
7 houses. There's no intention to develop these
8 properties. We want to keep them common areas. We
9 prefer they not become Parks and Institutions. First
10 of all, they're impossible to build on. Second of
11 all, what we want to protect from is future council
12 who determine that since they're zoned Park they
13 should be open to the public for use. So we would
14 like them to stay as they are and not have them
15 changed to Park and Institution to protect the
16 property values of our homes.

17 MR. PETERS: Okay.

18 MR. FONTE: Does that affect Stark Parks at
19 all?

20 MR. ROBINSON: We own it. They don't.

21 MR. FONTE: Okay. So but you allow full
22 access for the public.

23 MR. ROBINSON: We do have a Stark Park
24 access.

25 MR. FONTE: Right. That would not change?

1 MR. ROBINSON: No, that would not change.

2 MR. FONTE: Okay.

3 MRS. WERREN: Okay. Thank you, sir.

4 MR. ROBINSON: So we're asking it be removed
5 from your agenda.

6 MR. PETERS: Got you. Make that note.

7 MR. YOUNG: Yeah.

8 Section Q is land that we own next to the
9 Hoover Recreation Complex. Currently is wooded with
10 a Stark Parks trail on it. We're proposing changing
11 it to Park and Institutional. It's currently
12 residential single-family large lot.

13 MR. PETERS: Okay. Moving on.

14 MR. YOUNG: R is a small sliver of the back
15 of Washington Square. So as you can see from the
16 blue lines, it crosses several parcels. It is for
17 some reason zoned Park and Institutional instead of
18 General Business A like the rest of Washington
19 Square. I have spoken to Mr. DeHoff on the phone and
20 he is in support of this fix.

21 MR. PETERS: Right. Hold that thought.

22 Is there anybody here from Washington Square
23 Homeowners Association? This is the area that they
24 proposed at one point building a gas station.

25 MRS. WERREN: Are you sure?

1 MR. PETERS: Yeah. So what is it zoned?
2 P & I right now?

3 MR. YOUNG: It's P & I. And a larger issue
4 is that it's not a whole parcel. So it's part of a
5 parcel. And generally our policy is whole parcels
6 are zoned the same.

7 MR. PETERS: So, you know, make it -- make a
8 note with that one.

9 MR. REVOLDT: Can you point the area you're
10 talking to?

11 MR. FONTE: That little strip.

12 MR. PETERS: That area right there. That
13 is -- actually they use it for --

14 MR. REVOLDT: Retention basins.

15 MR. PETERS: It is. A portion of it is.

16 MR. FONTE: How much land is that?

17 MR. PETERS: Put a note on that. I need
18 to -- I need to call the homeowners association
19 regarding that.

20 MAYOR WILDER: It's just north of the parking
21 lot; correct? If you go out from in front of 91
22 restaurant, there's a retention pond there.

23 MR. FOLTZ: Does the trail run through there?
24 You can't do that.

25 MR. YOUNG: The trail is sort of north.

1 MR. FOLTZ: The trail runs here and here.

2 MR. PETERS: This is the trail.

3 MR. YOUNG: The trail is right here, and then
4 it goes into the neighborhood and then back up here.

5 MR. PETERS: That parking lot right there, a
6 portion of that they initially, that was 15 years
7 ago, they wanted to put one of those little
8 self-serve GetGos. It wouldn't take up much space.
9 Yeah, put a note on that one. We'll come back to
10 that parcel.

11 MR. DEORIO: I'm not sure that's a separate
12 parcel.

13 MR. FONTE: Ben, can you tell how much land
14 that is? Is that like an acre? That's okay. We can
15 look at it later.

16 MR. DEORIO: I don't think it's a separate
17 parcel.

18 MR. YOUNG: It is not a separate parcel.

19 MR. DEORIO: So but somehow it used to be a
20 separate parcel, is that what you're saying? That's
21 why it's zoned differently? Or when they developed
22 this, this was just an oversight on the city's part?

23 MR. YOUNG: Lots of the zoning ordinances are
24 written as legal descriptions, so I suspect it was an
25 oversight of wording of, you know, then 500 feet this

1 way and then 300 feet and they just missed the parcel
2 boundaries. Or parcel boundaries changed since we
3 last zoned this ordinance and we didn't catch up.

4 MR. CERRETA: A lot of this was Hoover Park,
5 so that's probably why.

6 MR. REVOLDT: That is the stormwater
7 detention basin that's required for the development.

8 MR. PETERS: A portion of it is. Not all of
9 it.

10 MR. REVOLDT: Cannot be filled and
11 redeveloped.

12 MR. PETERS: Not all of that.

13 MR. CERRETA: Let's make sure we check on it.

14 MR. FOLTZ: They'll build it again to create
15 another retention.

16 MR. REVOLDT: Correct.

17 MR. PETERS: But if you zoned that, you could
18 include that with a portion of the parking lot in
19 total land to put something there. That's what we
20 want to avoid.

21 MR. REVOLDT: All right.

22 MR. PETERS: That's not going to happen.

23 MR. REVOLDT: I'd zone it P & I.

24 MR. PETERS: All right. Make a note on that
25 one.

1 MR. REVOLDT: You're going to hold this?

2 MR. PETERS: Yeah. Moving on.

3 MR. YOUNG: Section S is the church that I
4 forget the name of. On -- at the corner of Marquardt
5 and Maple.

6 MAYOR WILDER: Baptist church?

7 MR. YOUNG: Baptist church. We're proposing
8 changing it to P & I.

9 MAYOR WILDER: Trinity Baptist.

10 MR. PETERS: Church of Christ?

11 MAYOR WILDER: Which side of Marquardt are
12 you?

13 MR. YOUNG: This is the corner of Marquardt
14 and East Maple. So the north side of East Maple and
15 east --

16 MR. PETERS: That's the Church of Christ.

17 MR. FONTE: The Baptist would be on the left
18 side.

19 MAYOR WILDER: This is the Church of Christ.

20 MR. YOUNG: Yeah. So there's four
21 single-family homes along Marquardt in front of it.

22 MR. PETERS: That will not be affected?

23 MR. YOUNG: Correct. It's just the church's
24 property.

25 MRS. WERREN: Okay.

1 MR. PETERS: Okay. Moving on.

2 MR. YOUNG: T, similar to the other issue at
3 Washington Square, there's a little chunk of this
4 parcel that is zoned differently than the rest of the
5 parcel. The rest of the parcel is office building
6 and then this little chunk is currently General
7 Business A.

8 MR. PETERS: Is this behind the bank?

9 MR. YOUNG: Yes. It's behind the bank. It's
10 the rest of the parking lot of the sort of medical
11 offices back there.

12 MR. PETERS: And it's zoned what now and
13 General Business what?

14 MR. YOUNG: That strip is currently General
15 Business A. The rest of the parcel is Office
16 Building. So we would be matching it to the rest of
17 the parcel.

18 MR. REVOLDT: Change it then. Do it.

19 MR. PETERS: This is right next to the parcel
20 we had talked about in R?

21 MR. YOUNG: Yes.

22 MR. PETERS: Split by the trail.

23 MR. YOUNG: Correct.

24 MR. PETERS: Yeah, make a note on that one,
25 too, Ben, for me. You know, we're talking T here?

1 MR. YOUNG: Yes, this is T.

2 MR. PETERS: Okay. Moving on.

3 MR. YOUNG: U, this is the -- Stark Parks
4 owns this property up along the back of the Altman
5 Brothers property on Market Street. So we're
6 proposing changing this to Parks and Institutional.

7 MR. PETERS: Change it to P & I?

8 MR. YOUNG: To P & I, yes.

9 MR. PETERS: That's where the trail is now;
10 right?

11 MR. YOUNG: Yes. Correct. That is the
12 trail.

13 MR. PETERS: Okay.

14 MR. YOUNG: Okay. V, this is actually part
15 of our right of way that we are proposing rezoning.

16 MR. PETERS: Okay. Moving on.

17 MR. YOUNG: W, this is part of the Altman
18 Brothers property, so you'll see on V there are two
19 zonings on that one parcel. So we've changed the
20 back half of the parcel to match the rest of the
21 parcel.

22 There are two typographical errors in the
23 text on this one. The parcel number should be the
24 one shown on screen and the outlot number should be
25 286.

1 MR. PETERS: We want to change this to what?

2 MR. YOUNG: Office building.

3 MR. PETERS: What is the -- when that is
4 eventually developed, what, Marty, what would be the
5 setback for parcels 405 and -- 6405 and 6745? We'd
6 be setting back not from their property, we would be
7 setting back from the trail; correct?

8 MR. REVOLDT: That's correct.

9 MR. YOUNG: Correct.

10 MR. VAN GUNDY: Correct. That's on property.

11 MR. PETERS: So we've got 20 or 30 feet.

12 What's the setback then at that point.

13 I'm sorry. I wasn't on my microphone either.
14 I apologize.

15 MR. VAN GUNDY: Okay. For the office
16 building, when the front yard abuts any other street
17 than Main Street it would be 20 feet. That would be
18 essentially the front setback. The side setbacks
19 would also be 20 feet. Except in the event of --
20 well, that's for -- excuse me. That's for
21 multi-family is 20 feet and any other use on the side
22 would be 5 feet. And the rear yard would be 20 feet
23 for multi-family and 5 feet for everything else.

24 MR. PETERS: Okay.

25 MR. DEORIO: And, Ben, you kept saying Altman

1 Brothers but I think you mean Aultman Health
2 Foundation.

3 MR. YOUNG: Yes. Sorry.

4 MR. DEORIO: Marty, if I might ask, so let's
5 say that this Parcel Number 10010198 were to be sold.
6 That parcel consists of the brownish color that abuts
7 Market and then the yellow along the backside that's
8 encased in a red kind of trapezoid thing, that's all
9 one parcel? So we have one parcel owned by the
10 Aultman Health Foundation that you're telling me has
11 two different zonings on it. So which -- which
12 zoning governs in the event of a sale?

13 MR. VAN GUNDY: Technically, they both would.
14 Essentially the -- if they were to develop this
15 parcel and the building encroached over the zoning
16 line, that building would have to conform to the
17 zoning in which the building rested. In looking at
18 this parcel, it doesn't appear to be large enough to
19 create any worthwhile development, which was the
20 reason for this -- this change.

21 And in regards to the setbacks, looking at
22 the current setbacks and the proposed setbacks, there
23 would be no change for the setbacks. They the same
24 in either one of the zoning districts.

25 MR. PETERS: Either way, the zoning is the

1 same?

2 MR. VAN GUNDY: Right.

3 MR. PETERS: It's not going to affect the
4 setbacks. All right. That answered that question.

5 Okay. You got a question for council on that
6 one? All right. Ben, moving on.

7 MR. YOUNG: Section X. We did not get to the
8 point of making an exhibit because before I did, the
9 owners called and pointed out that they are a
10 single-family home and should not be turned into a
11 park. And I concur and recommend that we cut this.

12 MR. PETERS: Okay.

13 MR. YOUNG: I don't know if they're here
14 tonight. This is 1605 East Maple Street.

15 MR. PETERS: 1605 East Maple. No.

16 Okay. All right. Moving on.

17 MR. YOUNG: Section Y. We also don't have an
18 exhibit. This is several various condo associations
19 throughout the city. The letters that went out said
20 that they currently had no zoning. That was a
21 miscommunication between myself and Engineering.
22 They all have various different currently
23 nonconforming zonings. And we're proposing to change
24 them all into Residential Multi-Family A.

25 MR. FONTE: I got a question.

1 So with the multi-family zoning, this is the
2 only thing, I'm just trying to think through the real
3 estate mindset, is if the zoning changes and let's
4 say someone were to buy or sell that piece of real
5 estate in that jurisdiction, so, for example, you got
6 condo associations where the condo association owns
7 all the land, right, and there's common space and
8 then there's the PUD, which is the planned urban
9 housing units where you have like, say,
10 Fredericksburg. You know where I mean over there?
11 Behind Erik's Grocery -- Grocery Bag? So you would
12 pay a fee and they would take care of snow, grass,
13 landscaping, but let's say if that gets changed to a
14 different kind of classification and someone is not
15 paying cash for it and they have to get financing to
16 get clear title, sometimes that would impact. So we
17 should probably doublecheck to make sure that the
18 multi-family classification won't interfere with
19 financing based on Freddie Mac, Fannie Mae, and
20 Ginnie Mae, do you know what I'm saying? Do you
21 understand what I'm saying, Martin?

22 So if you change the zoning and let's say
23 you're trying to get financing to sell your property,
24 because not everybody has cash, the secondary market
25 may not accept that if it's not classified correctly

1 for what it is. Like a PUD or a condo.
2 Hypothetically. That's really what I'm talking about
3 specifically. So that would be something I probably
4 could call a lender real quick and figure it out.
5 Just as a sidebar.

6 MR. DEORIO: How is it zoned presently on
7 Fredericksburg?

8 MR. YOUNG: Fredericksburg is currently R-50.
9 And this isn't just the Fredericksburg condos, this
10 is also Cambridge Avenue Condos, Sherbrook Condos,
11 Lois Avenue, Shalimar, Durkin, Holl. They all got
12 grouped together into one amendment.

13 MR. FONTE: My hunch would be, just from
14 understanding real estate and how financing and
15 things work, I probably would just get clarity on
16 that before we pull the trigger.

17 This gentleman has something to say.

18 MR. SCHNEIDER: Yeah, I'm the president of
19 that association. And I have conducted a survey
20 among the people --

21 COURT REPORTER: Your name, please.

22 MR. FONTE: Say your name.

23 MR. SCHNEIDER: Oh. Dave Schneider.

24 And we had all requested Mr. Young there to
25 maintain its current zoning for some of the reasons

1 that you mentioned, and also that all of those units,
2 since they have been built, were residential units
3 and it would be no change involved as far as we were
4 concerned. And we would like to keep it that way. I
5 had supplied him with a letter with all the
6 signatures of our ownership there. And so we are
7 requesting to leave that as it is.

8 MR. FONTE: What subdivision did you say you
9 live in?

10 MR. SCHNEIDER: The Fredericksburg Commons.

11 MR. FONTE: Okay. So you pay a fee and they
12 take care of snow, grass, windows, whatever; right?

13 MR. SCHNEIDER: Yeah.

14 MR. FONTE: So you have common space but you
15 don't own the land under it, do you? It's common
16 with the condo.

17 MR. SCHNEIDER: With the association, yeah.

18 MR. FONTE: Right. So but you guys are
19 different in a way than a condo because you actually
20 own the building so you have to fix everything that
21 goes wrong with the building. Unlike a condo, which
22 the exterior would be covered by the fee, where this
23 is not the case.

24 MR. SCHNEIDER: Correct.

25 MR. FONTE: That's why this is unique,

1 because Fredericksburg is a total different animal
2 than a lot of the condominiums.

3 MR. SCHNEIDER: It is.

4 MR. FONTE: I would say a like lot of people
5 live there pay cash. But let's just assume
6 30 percent pay cash, 70 percent have financing, so
7 potentially that could be a little interruption with
8 getting traditional financing. That would be just my
9 opinion based on understanding real estate.

10 MR. SCHNEIDER: And the financing, as you
11 stated, could be a problem for someone wishing to
12 purchase a property there. Because they look at
13 that, as you well know, from residential to
14 commercial would be a big step. And especially if it
15 would be a one unit out of a 10-unit complex. So --

16 MR. FONTE: Thank you.

17 MR. SCHNEIDER: Well, you're welcome. Thank
18 you.

19 MR. PETERS: Thank you, sir.

20 MR. REVOLDT: Sleeping dog. Don't kick it.

21 MR. PETERS: I agree.

22 Yes, ma'am.

23 MS. SILLIMAN: Hi. I'm Donna Silliman and I
24 live at the Cambridge on the Creek Condo right up on
25 Salway/Everhard. In fact, several of the people that

1 live in my area -- I'm a little confused about this,
2 how this would affect our association. You know, we
3 have a condo, we have like our, you know, homeowners
4 association and I'm responsible for the inside,
5 they're outside, and so my neighbors, we're like what
6 in the heck is he talking about? You know, I'm a
7 little confused. So I want to make sure that we're
8 going to agree to something that is correct for us.
9 Does that make sense?

10 MR. PETERS: Yeah. Absolutely.

11 MS. SILLIMAN: So, you know, I'm not into
12 zoning, I'm smart enough I can probably pick up on it
13 but I need a little more explanation, please.

14 MR. PETERS: What exhibit is this, Ben? Have
15 we got to this yet?

16 MR. YOUNG: I don't have an exhibit because
17 they're grouped together. Spread throughout the city
18 but grouped together.

19 MR. FONTE: So we should probably just pause
20 on the condo thing while we figure out real quick.

21 What you're talking about is you have a condo
22 so yours is different, where you pay a fee and
23 exterior, except for windows, are covered, let's say.

24 MS. SILLIMAN: Correct.

25 MR. FONTE: Where Fredericksburg is