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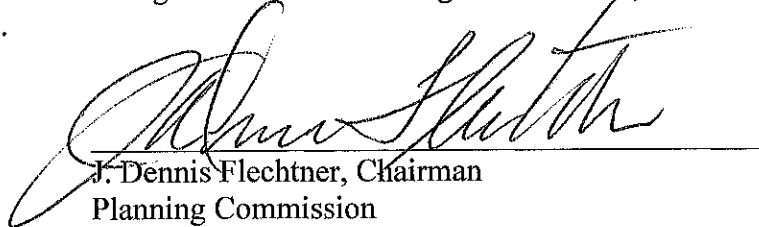


Martin B. Van Gundy, IV
Chief Building Official
CITY OF NORTH CANTON
SAFEbuilt.

PLANNING COMMISSION

APPROVAL OF MARCH 6, 2019 MINUTES

After review of the minutes of the Planning Commission Meeting held March 6, 2019 at 7:00 p.m., the minutes have been approved.



J. Dennis Flechtner, Chairman
Planning Commission

, Member
Planning Commission

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CITY OF NORTH CANTON, OHIO
PLANNING COMMISSION

**TRANSCRIPT OF
MARCH 6, 2019, MEETING**

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Transcript of Proceedings of the North Canton
Planning Commission, 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 City Hall, 145 North Main Street, North Canton,
Ohio, on Wednesday, March 6, 2019, at 7:00 p.m.

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APPEARANCES:

Tom Serra, Vice Chairman

Peter Volas, Member
Robert J. McCleaster, Member

Patrick DeOrion, Director of Administration
(non-voting member)

Timothy L. Fox, Director of Law

Robert G. Graham, P.E., Engineering Services

Martin B. Van Gundy, IV, Chief Building Officer

Christine Whittenberger, Clerk

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1 MR. SERRA: Good evening. March 6, 2019,
2 meeting of the North Canton Planning Commission.
3 I'll call the meeting to order. Roll call, please.

4 MS. WHITTENBERGER: Mr. Flechtner?
5 Mr. Volas?

6 MR. VOLAS: Here.

7 MS. WHITTENBERGER: Mr. Serra?

8 MR. SERRA: Present.

9 MS. WHITTENBERGER: Mr. Dalpiaz?
10 Mr. McCleaster?

11 MR. MCCLEASTER: Here.

12 MR. SERRA: Since Chairman Denny Flechtner
13 cannot attend this meeting tonight, so as me as the
14 vice chairman I will temporary chair the meeting. We
15 need a motion then; right?

16 MR. FOX: No. You don't.

17 MR. SERRA: Do not.

18 MR. FOX: You don't require a motion. It
19 happens just as a matter of law.

20 MR. SERRA: Good. Maybe they don't want me.

21 MR. FOX: That's okay.

22 MR. SERRA: Do I need to amend the agenda?

23 Do we have --

24 MR. DEORIO: Mr. Chairman, there was a matter
25 that the administration wanted to ask as it related

1 to the Community Reinvestment Area housing council.
2 This is the residential portion of that, but, as you
3 know, the planning commission has an appointment to
4 that body and that term is expiring, along with the
5 other terms, so city council has to recommend two
6 members to be on that. Administration puts on two,
7 planning commission puts on one. Currently their
8 representative is Mr. Flechtner, but we would need to
9 renew him for another term. So if that's the
10 commission's preference, or someone else, that's
11 fine. But if you could make that recommendation
12 tonight then we can get him to the meeting next week,
13 whoever that person is.

14 MR. SERRA: So this is the Community
15 Reinvestment housing council?

16 MR. FOX: The Community Reinvestment Area
17 housing council. The CRA housing council.

18 MR. SERRA: Okay. And do they serve for a
19 one-year period?

20 MR. FOX: It's a three-year term.

21 MR. SERRA: Three-year term.

22 MR. FOX: Presently they meet once a year
23 because the city does not have a active CRA program.
24 So it's just reviewing the two existing CRAs to make
25 sure that they are living up to the agreement that

1 they pledged to.

2 MR. SERRA: And did Mr. Flechtner indicate
3 that he would be willing to serve again?

4 MR. DEORIO: I have not spoken to
5 Mr. Flechtner about this.

6 MR. SERRA: Okay. So is there someone on the
7 planning commission like to serve on this?

8 MR. DEORIO: The next meeting is March 14 at
9 6 p.m.

10 MR. MCCLEASTER: Do we nominate Mr. Flechtner
11 in his absence?

12 MR. SERRA: You may. Is there a motion to
13 nominate? I'll make a motion to nominate Denny
14 Flechtner to serve on this since he has done a great
15 job in the past with this group. Is there a second?

16 Okay. Pat, it does not pass.

17 MR. DEORIO: Okay.

18 MR. SERRA: So we will have to bring this up
19 at the next.

20 MR. DEORIO: Very good. Thank you.

21 MR. SERRA: Okay. The first order of
22 business tonight is the submittal of the planning
23 commission meeting minutes of February 6, 2019.

24 MR. MCCLEASTER: I move that we approve as
25 submitted.

1 MR. SERRA: Is there a second?

2 MR. VOLAS: Second.

3 MR. SERRA: Roll call.

4 MS. WHITTENBERGER: Mr. Volas?

5 MR. VOLAS: Yes.

6 MS. WHITTENBERGER: Mr. McCleaster?

7 MR. MCCLEASTER: Yes.

8 MS. WHITTENBERGER: Mr. Serra?

9 MR. SERRA: Yes.

10 Okay. The next order of business is a public
11 meeting to review the PC 811-18FP, final plat of
12 Sanctuary No. 4. Is there anyone here representing I
13 believe it's McKinley Apple Growth? Please state
14 your name and address.

15 MR. COSTIN: Yes. My name is Rich Costin.
16 1201 South Main Street, North Canton, 44720.

17 MR. SERRA: Thank you.

18 MR. COSTIN: Okay. Yeah, we were just
19 seeking to have approved final approval for Sanctuary
20 Phase 4. It is 21 lots. It is sticking strictly
21 with the preliminary plan that was approved and this
22 is just the next phase of those -- of the project.
23 So I was here once before and I know there was some
24 issues and we wanted to make sure we got everything
25 right so that's what we're back here for.

1 MR. SERRA: Okay.

2 MR. COSTIN: I'm here to answer any
3 questions. But again, we're just sticking with what
4 the preliminary plan was and we don't want to deviate
5 from it. So, Phase 4.

6 MR. SERRA: Do we have questions from the
7 planning commission?

8 MR. VOLAS: I have none at this time.

9 MR. MCCLEASTER: No.

10 MR. SERRA: Is there anyone in the audience
11 wish to speak on this project? Please approach the
12 mic and state your name and address, please.

13 MR. OSBORNE: Chuck Osborne. 307 Fairview
14 Street, Southeast, North Canton, Ohio.

15 I really haven't polished up on this. As I
16 recall, we were discussing previously some kind of
17 ingress/egress from the west. I hope that jogs
18 somebody's memory up here. I don't have the
19 specifics. So I'm just going to throw it out there
20 to you.

21 MR. FOX: That was Phase 5.

22 MR. OSBORNE: That was Phase 5? Okay.
23 Forget it.

24 MR. SERRA: This is Phase 4.

25 MR. OSBORNE: Okay. Forget what I said.

1 MR. SERRA: Anyone else?

2 MS. BAUGHMAN: Miriam Baughman,
3 B-A-U-G-H-M-A-N. 320 Weber.

4 Is there going to be a Phase 5?

5 MR. SERRA: Well, at this time we're only
6 looking at Phase 4. I think the last meeting there
7 was, in the meeting minutes, there's discussion of a
8 Phase 5 but it's not part of this.

9 MS. BAUGHMAN: What's on the original plan
10 that also includes the lots that might become Phase
11 5?

12 MR. SERRA: I'm not sure -- I missed that
13 meeting. So I'm not sure I can answer this.

14 MR. FOX: Marty?

15 MR. VAN GUNDY: Yes. This was originally
16 considered at the December 5 meeting. The parcels
17 that are in Phase 5 are completely different than the
18 parcels in Phase 4. So these were two separate
19 agenda items from the December 5 meeting.

20 MS. BAUGHMAN: So from the original plan,
21 Phase 4 has been split.

22 MR. VAN GUNDY: Yes. That's -- this is as
23 submitted on December 5. So those were split. Phase
24 5 was tabled, as I recall.

25 MS. BAUGHMAN: Okay. Okay. So there's still

1 an empty part that's yet to be decided.

2 MR. VAN GUNDY: Right.

3 MS. BAUGHMAN: Okay. Thank you.

4 MR. VAN GUNDY: You're welcome.

5 MR. SERRA: Thank you. Anyone else?

6 What would the planning commission like to do
7 here?

8 MR. MCCLEASTER: I'd move that we approve as
9 submitted this evening.

10 MR. SERRA: Is there a second?

11 MR. VOLAS: I'll second it.

12 MR. SERRA: Roll call, please.

13 MS. WHITTENBERGER: Mr. Volas?

14 MR. VOLAS: Yes.

15 MS. WHITTENBERGER: Mr. McCleaster?

16 MR. MCCLEASTER: Yes.

17 MS. WHITTENBERGER: Mr. Serra?

18 MR. SERRA: Yes.

19 Okay. The last item we have is we're seeking
20 public input to expand the mixed use overlay of the
21 parcels zoned light industrial located at Hower
22 Street and Witwer between Park Street and Taft
23 Street. And I want to turn this over to Pat and
24 he'll explain.

25 MR. DEORIO: Yes. And thank you for your

1 indulgence tonight for me.

2 This is a matter that was brought to the
3 attention of the city council and the mayor, the
4 particular special situation that was discovered with
5 approximately 13 homes or buildings over on Hower and
6 Witwer Street. So I don't know how in the past we
7 got to where we are, and that has been researched for
8 a while and we really can't say how it got to be
9 where it's at, but where it is, is that 13 of these
10 properties do not have the mixed use overlay X in
11 their -- in their zoning. And I don't know if that
12 was, you know, intentionally not done, was it
13 accidentally left off? We have noted in previous
14 instances that there have been some inaccuracies in
15 the map over the years that we are trying to clean
16 up. Perhaps this is that.

17 I've talked with some individuals that --
18 with knowledge of The Hoover Company and some believe
19 that these homes were Hoover homes back a long time
20 ago and that that's, you know, kind of how it came
21 forward, associated with that district because it's
22 residential right next to the industrial, and then
23 eventually perhaps Hoover disposed of those
24 properties and people bought them and whatever, but
25 for some reason, you know, we've included them in the

1 light industrial zoning.

2 Now, those individuals that live there,
3 there's a situation where one is, you know, at that
4 point where they want to move on to a different place
5 and they want to sell their property. And, you know,
6 it was being used as a residence, of course, hoping
7 to sell it that way, but as I understand how it works
8 with the -- with the code then, because the way it's
9 zoned, this would not be a permitted use there. And
10 as a result, it's affecting their ability to do
11 something.

12 MR. SERRA: Yeah.

13 MR. DEORIO: So I don't have all the answers
14 to it. I have an idea. It's up to the planning
15 commission to figure out what you want to do. I'm
16 not here tonight seeking whether you wish to do
17 something tonight or whether you want to take this up
18 at your April meeting or a special meeting, however
19 you want to play that out, but we do have a property
20 owner that is actively trying to sell and, you know,
21 come spring will probably be a really good time to
22 have this on the market.

23 Some of the properties of the 13, I believe
24 one is a commercial use, one's a duplex, I think the
25 rest are all single-family that I was able to look

1 at. I think it was with Rob, if you and I went
2 over -- I went over with a city official, I'm not
3 sure who it was, we went and inventoried all these
4 places. They're all in very good upkeep. They're
5 well maintained, that kind of thing, looked nice. So
6 one of the solutions could be that -- that they're
7 recharacterized, rezoned as what they're currently
8 being used as, currently this is my home, I live
9 here; in the event that someday I want to sell I'd
10 like to be able to sell it that way.

11 You know, perhaps when this was done years
12 ago or decades ago, I'm not quite sure when and they
13 were thinking that, well, perhaps this is industrial
14 land and the city doesn't have a lot of industrial
15 land and they wanted to keep industrial land, but in
16 the 15, 20 years, however long it's been, or more,
17 since then there isn't really any application for the
18 industrial land. The facility across the street is,
19 you know, bifurcating on what they need there, but if
20 the day should come that current occupants or future
21 occupants would need industrial land they could
22 certainly go through the regular process of buying up
23 the properties around where they want this to be and,
24 you know, making an offer that people would just
25 can't refuse, buy the property, petition the planning

1 commission to rezone it then for industrial use. So
2 for whenever that may occur, if ever, it doesn't seem
3 to me to be fair to the people who are there that
4 they would have to endure a hardship for something
5 that may even happen and hasn't happened in however
6 many decades have passed that this has occurred.

7 So I was trying to give you some of the
8 backdrop, and I'm sorry that we're not able to put
9 our finger on, you know, exactly when this happened
10 and whatnot, but it dates back, you know, earlier
11 than many of the occupants that are here and every
12 department here has done a pretty earnest search in
13 trying to figure it out and we've come to the
14 conclusion that, you know, we could spend, you know,
15 a very long time researching it and still not be able
16 to give you the answer and, in the meantime, some of
17 the folks are seeking relief. So that's how it got
18 to your agenda.

19 The city council will be looking to the
20 planning commission. If you refer it back to them
21 they will take it up, they will move on this. It's
22 an interest to really all parties. And there may
23 be -- there may be individuals here that are those
24 property owners or not, I don't know, but, you know,
25 this is, I think, put out.

1 MR. SERRA: I want to verify one thing first,
2 Pat. I ran a copy and hand that out. And I just
3 wanted to make sure we're looking at this right.
4 So -- so the area that I shaded, it appears that the
5 parking lot that's there today is zoned industrial.
6 Because it's cross hatched.

7 MR. FOX: Yes.

8 MR. SERRA: But then there's -- at the very
9 opposite end of that block there's like one lot that
10 is also. So the other 13 or wherever in between
11 there is that amount of what our records show?

12 MR. DEORIO: Yes. So and that's a very good
13 observation and your map is correct. I've counted
14 the ones that you have not X'ed off. There are 13.
15 The one at the end of Witwer and Taft is X'ed off but
16 I don't know if that's an accurate representation of
17 should it have been? should it have been one of the
18 13 not X'ed off? It doesn't make sense when you go
19 there and look at the property that there's anything
20 different than the property next door. They're all
21 residence.

22 MR. MCCLEASTER: They're all homes, yes.

23 MR. FOX: Some of the difficulty we had when
24 we were researching all this is looking at the
25 ordinance, and that's in the plural, of when some of

1 these occurred. Some of the lots apparently have
2 merged and the parcel numbers that were utilized in
3 the ordinances have changed. So if you go to the
4 auditor's site and want to pull up that parcel
5 number, it no longer exists. And so we kind of work
6 our way back, and I had provided the CBO some of
7 the -- there's a couple ordinances that were tied
8 with this and they're left with the -- what they call
9 the outlot number. And it can make it a little more
10 difficult to find some of these. But what the
11 administrator was, you know, expressing is, you know,
12 what initially started this is a resident wanted to
13 sell their home --

14 MS. CLEMENTS: That's us.

15 MR. FOX: -- and leaving it zoned as a
16 residential property and they came to find out that,
17 wow, we're actually living in -- you know, you're not
18 going to be able to sell it that way. And that kind
19 of tipped off that, well, maybe there's some other
20 properties that are in this situation. And so the
21 request is to give council the authority to look at
22 each one and make that determination of whether or
23 not it's appropriate that it's zoned, or how it's
24 being used if it's currently being zoned as a
25 residential property. Or sometimes you can look, and

1 unless there's a sign there you don't know that. You
2 know, all the indicators are this is a residential
3 property, and then you see a sign that says it's a
4 barbershop or a shoe shop or something along those
5 lines. So the -- the yeoman's work would be in the
6 building department to ascertain what is this really
7 being used as right now and how should it be zoned.
8 And that would be then a further recommendation to
9 planning, if it's appropriate and fair, to go ahead
10 and zone it in that fashion.

11 MR. DEORIO: And in a discussion with the law
12 director earlier, I think we were also talking that
13 it was -- you know, if it was residential zoned it is
14 consistent with what is east of the property. It's
15 not like inserting something that isn't there. I
16 mean, it is all residential on the other side of Taft
17 Avenue.

18 MR. SERRA: Okay. Any questions, guys?

19 MR. VOLAS: Comment. I mean, I think all the
20 comments from Pat and Tim are very reasonable.
21 Right? And it's just one of those things. Right?
22 And you don't want to create any sort of economic
23 hardship on the owner. Especially you don't want to
24 impact their ability to sell the property. You know,
25 I would look for, you know, some reasonable solution,

1 I don't know, and the other -- the audience doesn't
2 have the benefit of looking at this, this is just a
3 zoning map; right? That's all this is?

4 MR. SERRA: That's all it is.

5 MR. VOLAS: Okay. There's other parcels in
6 proximity on the west side of Orchard -- Orchid?
7 Orchard.

8 MR. FOX: Yes.

9 MR. VOLAS: -- that appear to be the same
10 zoning. So, you know, is it appropriate -- I don't
11 know what's there, but is it appropriate to include
12 those in this conversation? Those are all part of
13 the industrial district.

14 The other thing, too, is it would make sense
15 that, you know, if the Hoover District -- when and if
16 the Hoover District progresses that that whole area
17 be acquired by them possibly. Right? That makes the
18 most sense; right?

19 MR. FOX: Yes.

20 MR. VOLAS: But there's got to be a willing
21 seller and a willing buyer.

22 So Pat, have we dealt with anything like this
23 in the city before in another area that we can look
24 at as a precedent?

25 MR. DEORIO: As far as the map being

1 inaccurate?

2 MR. VOLAS: No, that's not where I was going.

3 So --

4 MR. DEORIO: Not to my knowledge.

5 MR. VOLAS: Just where you have like these
6 little doughnut holes in the middle of a district.

7 MR. FOX: We actually had something akin to
8 this, not exactly spot on, but we had a situation not
9 long ago where one street is R-50 and at an
10 intersection it's R-70, and you have two parcels that
11 are going to merge that one's R-50, one's R-70 and
12 what's the best thing to do.

13 MR. VOLAS: Right.

14 MR. FOX: And perhaps the best thing to do is
15 in the residents' interest is how would you like it
16 zoned. I mean, you're the owner of both of those.

17 MR. VOLAS: Right.

18 MR. FOX: It's split and you can't continue
19 when you merge this. So it's really look at, you
20 know, the fairness for the resident, what's the most
21 beneficial way to utilize the fullest extent of your
22 property.

23 MR. VOLAS: Right. Assemblage takes time and
24 money and patience; right?

25 MR. FOX: Yes.

1 MR. VOLAS: And, you know, to do it in parts
2 doesn't make any sense either. I mean, I'm one when
3 you look at it and assemble everything does it go
4 back to the industrial designation.

5 MR. SERRA: You're saying we should look at
6 the whole 13 lots?

7 MR. VOLAS: Yeah.

8 MR. SERRA: Parcels.

9 MR. VOLAS: Yeah. And maybe -- maybe there's
10 once all those -- I'm thinking out loud. Once all
11 those parcels become owned by one entity that's
12 related to the Hoover District maybe it makes sense
13 to go -- have it go back to an industrial?

14 MR. FOX: Correct. I believe that -- that's
15 correct.

16 MR. VOLAS: Is that a way to look at it? Or
17 substantially all of them?

18 MR. FOX: Right.

19 MR. VOLAS: You know, I wouldn't want to -- I
20 wouldn't want to create a situation where there's a
21 holdout that prevents development.

22 MR. FOX: Sure.

23 MR. VOLAS: So maybe it's more like half,
24 half of those units become controlled by an
25 industrial entity or some sort of, you know, related

1 group to the Hoover District.

2 MR. SERRA: Well, this is a public meeting.

3 MR. VOLAS: Yeah.

4 MR. SERRA: And the purpose we're having it
5 is to bring it out --

6 MR. FOX: Right.

7 MR. SERRA: -- and hear from the public.

8 MR. FOX: Sure.

9 MR. SERRA: So I think -- you guys want -- I
10 think I want to open this up.

11 MR. VOLAS: Absolutely. Yeah.

12 MR. SERRA: Okay. So is there anyone in the
13 audience that would like to speak on this? Come
14 forward and state your name and address.

15 MS. CLEMENTS: We own 332 Hower.

16 MR. FOX: Wait 'til you get up to the
17 microphone.

18 MS. CLEMENTS: We own 332 Hower. You know,
19 it's residential. It's been used as residential
20 since we purchased it. It's just a single-family
21 home.

22 MR. FOX: Your name, please. Ma'am, your
23 name.

24 MS. CLEMENTS: Oh. Susan Clements. I'm
25 sorry.

1 MR. SERRA: When you say 332 --

2 MS. CLEMENTS: 332 is the address. Hower.

3 MR. SERRA: Is that in this block?

4 MS. CLEMENTS: Yes.

5 MR. SERRA: Thank you.

6 MS. CLEMENTS: Yes. There's a single-family
7 residence one side of us, there's a duplex on the
8 other side, and we have a contract, we've actually
9 had it under contract since November. And our zoning
10 in the county is residential, but when the appraiser
11 was going to do the appraisal they found it obviously
12 under your system, which was light industrial. And
13 they won't -- PNC won't loan on it because it would
14 be nonconforming use. So that's why we're here. So
15 I can sell it commercial, you know, for cash to
16 somebody, but the only way to sell it residential is
17 with your help at this point because of the lending.
18 Okay?

19 MR. VOLAS: I'm sorry. It's an
20 owner-occupied property?

21 MS. CLEMENTS: Yes.

22 MR. VOLAS: Okay.

23 MS. CLEMENTS: Well, it was, yeah. Our son
24 lived in it, yeah.

25 MR. VOLAS: Okay.

1 MR. SERRA: Thank you.

2 MS. CLEMENTIS: So that's kind of where we
3 are. So, you know, anybody there that wants to sell
4 will be in the same position we're in. So --

5 MR. FOX: And I have to say it's -- some
6 people may take the view as a buyer going in often
7 you get title insurance so these things don't happen
8 or you are made whole if, you know, it's not clear to
9 you. But not only things such as how is that
10 property zoned, can you do what you believe that you
11 wish to do in that.

12 It's not uncommon, probably not a week goes
13 by that city hall will get a call from someone
14 stating a question about a city ordinance or policy
15 or activity or snow plowing. They'll provide their
16 address that has a North Canton mailing address,
17 we'll look it up and they just happen to be in that
18 kind of fringe and it could be Lake Township, Plain
19 Township, Jackson, and they're adamant that I live in
20 North Canton. And school. Actually, you live in the
21 township.

22 And sometimes they'll say, well, you're
23 certainly confused. I've lived here for a number
24 years. I know where I live.

25 And sometimes I'll ask the question, Are you

1 a voter? And they'll state in the affirmative and
2 I'll ask, Do you recall whether you voted for a mayor
3 or for a trustee?

4 And then that's when the light goes on and
5 they're like, Holy cow. I'm in -- I'm in the
6 township. How is that possible?

7 Well, the mailing address is for the
8 convenience of the post office. But at the county
9 auditor, I'll let them know how to go online, they
10 can look that up and see. So it's the part of not
11 necessarily knowing how it's zoned.

12 I hope you can, you know, understand that
13 that can happen. You know, perhaps they don't get
14 title insurance and they're living there as
15 residential and they believe that they're -- it's not
16 going through an agent and it's a -- the owner's
17 selling it, they're going through the paperwork in
18 the process and there isn't the realization that it's
19 being utilized as residential, someone buys it as
20 residential, now they come to find it's not.

21 MR. MCCLEASTER: I think in looking at this,
22 you know, having grown up in North Canton, for as
23 long as I can remember they were all -- they have
24 always been residences with the exception of maybe
25 one or two properties. I -- and in looking at the

1 book, obviously I don't think, unless I'm missing
2 something, and maybe Mr. DeOrio or Mr. Van Gundy can
3 correct me, but I don't think the answer is putting
4 the Xs back on to make it -- it's obviously making
5 them, and I'm guessing just by quickly looking,
6 obviously not measuring this here, they need to be
7 R-50. And I would think that -- I certainly feel for
8 you guys and certainly think we need to make this
9 right. But the only thing is, I am concerned is that
10 there are one or two businesses over there. So do we
11 make the recommendation that it all becomes
12 residential? Because I certainly want to get their
13 problem corrected as quickly as possible, especially
14 if they're under contract.

15 Do we make a recommendation to make it all
16 residential or do we have to come back yet again
17 after we have done our due diligence and know that,
18 hey, two of these are businesses, or three of these
19 are businesses, because I don't want to foul them up
20 as well. So I guess what are the thoughts and how
21 can we get these people helped as quickly as
22 possible? And following the letter of the law, I
23 should say.

24 MR. SERRA: If you look at the mixed use
25 overlay, it allows residential offices, professional

1 services and retail. So would this not fall under
2 mixed use?

3 MR. VAN GUNDY: So initially the thought was
4 to expand the mixed use overlay to the remainder of
5 the parcels. However, in looking at that further,
6 the residential use is not permitted on the ground
7 floor with that. It's above the ground floor.

8 MR. MCCLEASTER: Or it could be multifamily.

9 MR. VAN GUNDY: Right. Or it could be
10 multifamily. So in looking at it further, I think
11 what you had suggested would be, you know, a viable
12 option. Rezone it to a residential primary zone with
13 the mixed use overlay. The one thing to consider
14 with that, though, is the R-50, these parcels
15 wouldn't qualify in size for R-50 so it would have to
16 be an R-2F. An R-2F has a 6,000-square-foot minimum,
17 and most of these -- actually I think all of these
18 will qualify for the R-2F zoning in regards to the
19 configuration.

20 MR. MCCLEASTER: Okay.

21 MR. VAN GUNDY: But expanding. So it really
22 would be, you know, a combination of both. Expanding
23 the mixed use overlay to the parcels and rezoning the
24 underlying zone so we could utilize the residential
25 use but also allow the commercial businesses. It

1 does appear it would require conditional use permit
2 for the businesses but it would give you an avenue,
3 you know, the best of both worlds, if you will.

4 MR. MCCLEASTER: So we don't foul up the
5 businesses that are already there, would they be
6 grandfathered in if we passed this? Or if we move it
7 on to council, I should say. Or would they have to
8 come back for conditional use permit afterwards?

9 MR. VAN GUNDY: So they would be a
10 nonconforming use in there. So at this point they
11 wouldn't have to do anything with those businesses,
12 as I understand it and read the ordinance. However,
13 if they want to do anything with the business, change
14 it, they would have to come back for a conditional
15 use permit, come back before planning commission.

16 MR. MCCLEASTER: Okay. And I think I caught
17 what you said. That would be for making these, and
18 you said R-2F with a mixed use overlay over top? Is
19 that what you said, Mr. Van Gundy?

20 MR. VAN GUNDY: Exactly.

21 MR. MCCLEASTER: Okay.

22 MR. SERRA: That sounds like that's the
23 answer, really. So would you want the planning
24 commission to make a recommendation to city council?

25 MR. FOX: That's what we're looking for, yes,

1 sir.

2 MR. SERRA: I see Chuck's hand's raised.
3 Chuck, come on forward, please.

4 MR. OSBORNE: Chuck Osborne. 307 Fairview
5 Street, Southeast, North Canton, Ohio.

6 Well, to kind of follow up first on what
7 Mr. McCleaster's talking about and going on, you're
8 trying to fix their problem so they pass on their
9 property. Now you're going to require the existing
10 businesses over there, you're going to complicate
11 their future passing of their property, it sounds
12 like, by requiring a conditional use. I don't know.
13 It sounds like there's a real mess here that's been
14 going on for a long time. I'm just going to stop
15 there on that.

16 I have some handouts here for the three
17 members that are here. I don't know why we can't get
18 perfect attendance at these meetings. I think it
19 should be made really clear what you're dealing with
20 over at the Hoover District.

21 MR. SERRA: Chuck, we're not talking about
22 this. I mean, you're off. We're talking about this
23 issue on hand. We're not talking about, you know --
24 we appreciate you handing it out.

25 MR. OSBORNE: But this area encompasses the

1 contaminated property that exists over there.

2 MR. SERRA: We're not talking about anything
3 about contaminated property or anything.

4 MR. OSBORNE: That's the problem. Nobody's
5 been talking about it ever since it came on our
6 radar.

7 MR. SERRA: Well --

8 MR. OSBORNE: It's a highly contaminated
9 piece of property. I just want to pass those
10 documents out to you. You guys should educate
11 yourselves.

12 MR. SERRA: We appreciate it.

13 MR. OSBORNE: There are land use restrictions
14 over there.

15 MR. SERRA: Thank you.

16 MR. OSBORNE: You should read all about that.

17 MR. SERRA: Thank you.

18 MR. OSBORNE: And lastly --

19 MR. SERRA: Does it pertain to this?

20 MR. OSBORNE: It plains -- it pertains to
21 this board. This commission. Why do we have members
22 that repeatedly aren't -- do not show up? And you
23 continually appoint them to remain on the commission.

24 MR. SERRA: I --

25 MR. OSBORNE: We know your chairman is out of

1 the state for six months out of the year.

2 MR. SERRA: Chuck. That's good. Thank you.
3 I'm here. Right?

4 MR. OSBORNE: And I'm glad to see you here.
5 Thank you.

6 MR. SERRA: Thank you.

7 Anyone else in the audience? Okay. So we
8 probably need a motion.

9 MR. MCCLEASTER: I do have one quick
10 question, and maybe it's partly in line with what he
11 said. Do we know the nature of these businesses? I
12 know, I believe -- let me rephrase it. I believe I
13 know at least one of these businesses would be what I
14 consider to be an office. They're not manufacturing
15 anything, and again, unless I'm corrected, looking
16 under the mixed use overlay, offices would be
17 allowed, or professional services would be allowed in
18 there. So by making these residential with a mixed
19 use overlay, I don't believe, again, unless I'm
20 misunderstanding the nature of the business that's
21 going on over there, I don't believe that we would be
22 impeding their sale such as these individuals are
23 impeded with their sale today. Is that correct? Or
24 am I missing -- I mean, Mr. DeOrion, I think you said
25 you were out there at the property. Are these what I

1 would consider to be offices; right?

2 MR. FOX: Yeah, I think I know which one
3 you're referring to. And you're right. With the
4 mixed use overlay, I think that's a great solution
5 you guys have come up with if you put that on over
6 top of the residential, it doesn't affect what's
7 there right now. It's just should the base be light
8 industrial or should it be residential. It doesn't
9 really matter with the mixed use overlay on top of
10 it, I think to your point, you're spot on.

11 MR. MCCLEASTER: Okay. Thank you.

12 MR. SERRA: So someone make a motion?

13 MR. MCCLEASTER: You're looking for a motion?
14 Okay. Do we have to list out these individual lots
15 that we are affecting or can we simply, for the sake
16 of our discussion tonight, say these 13 -- I think it
17 was 13 lots.

18 MR. DEORIO: It was 13.

19 MR. MCCLEASTER: So I guess I would make a
20 motion that we send to council the changing of the
21 zoning for these 13 lots to R-2F with a mixed use
22 overlay on top.

23 MR. SERRA: Between Hower Street --

24 MR. MCCLEASTER: Oh, between Hower and
25 Witwer.

1 MR. VOLAS: And Taft.

2 MR. MCCLEASTER: And Taft. And Taft, yeah.

3 MR. DEORIO: Member McCleaster, if I might
4 before you completely formulate that motion --

5 MR. MCCLEASTER: Yes.

6 MR. DEORIO: If you might include the
7 property that's at the corner of Taft and Witwer that
8 is not blue, it's kind of hard to see that.

9 MR. MCCLEASTER: I missed that one as well.
10 So thank you.

11 MR. FOX: That would actually be 14. So
12 that's my bad. That's 14.

13 MR. MCCLEASTER: Okay. So I will rescind the
14 motion that I just gave and I will motion that we
15 would -- I move that we make these 14 lots as
16 identified between Hower and Witwer, on Taft, as well
17 as the single lot that is on the north side of Taft,
18 or, excuse me, north side of Hower, that we make
19 these properties R-2F with a mixed use overlay and
20 send this on to council for their approval.

21 MR. DEORIO: Did you go north of Hower for
22 that, grab that one over there?

23 MR. MCCLEASTER: Yes, sir. Yep.

24 MR. FOX: My bad. It would be 15.

25 MR. MCCLEASTER: 15. Okay.

1 MR. FOX: You can simply say it's 15.

2 MR. MCCLEASTER: We'll change it to those 15
3 lots. Yes.

4 MR. FOX: That will work.

5 MR. SERRA: Is there a second?

6 MR. VOLAS: Quick question on this. The
7 lot -- I know we're not talking about this
8 specifically, but the lots on -- they're west of
9 Orchard and north of Hower, do those qualify as well?
10 Are those an issue as well?

11 MR. MCCLEASTER: Those are the fire
12 department; right?

13 MR. FOX: Let's break them down. So the two
14 that are under the 'O' in Orchard on that street --

15 MR. VOLAS: Yes.

16 MR. FOX: -- the one to the south is a vacant
17 lot. And the one to the north is a duplex.

18 MR. VOLAS: Okay.

19 MR. FOX: The two that are behind the fire
20 station in the Charlotte block, those are empty
21 parcels. That's parking.

22 MR. VOLAS: Okay. All right. So I'll second
23 the motion.

24 MR. SERRA: Roll call, please.

25 MS. WHITTENBERGER: Mr. Volas?

1 MR. VOLAS: Yes.

2 MS. WHITTENBERGER: Mr. McCleaster?

3 MR. MCCLEASTER: Yes.

4 MS. WHITTENBERGER: Mr. Serra?

5 MR. SERRA: Yes. Okay.

6 MR. FOX: Thank you.

7 MR. SERRA: Do I hear a motion for
8 adjournment?

9 MR. MCCLEASTER: So moved.

10 MR. VOLAS: Second.

11 MR. SERRA: Okay. Meeting's adjourned.
12 Thank you.

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14 (Meeting concluded at 7:38 p.m.)

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