

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 25, 6:45 p.m. 20 03

The public hearing was called to order Monday, August 25, 2003 at 6:45 p.m., by President of Council Jon Snyder.

Notice is hereby given that a public hearing will be held by the Council of the City of North Canton on Monday, August 25, 2003 at 6:45 p.m. in the council Chamber at North Canton City Hall.

The hearing is with regard to a proposed amendment to Section 1137.03 SCHEDULE OF PERMITTED USES. of the North Canton Zoning Ordinance.

The Planning Commission, at its July 9, 2003 meeting, recommended that the following land use categories, currently permitted in GB-A district, be made a conditional use:

- (d)(5) Drive-through facility in association with a permitted use
- (e)(3) Car wash
- (e)(4) Gasoline station
- (e)(5) Automobile service station

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

Council members present for the public hearing: Foltz, Kiesling, Lindower, Magel, Osborne and Snyder. Also present were: Mayor Rice, Director of Administration Held, Director of Law Batista, Assistant Director of Law Treadon, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.

Mr. Snyder: The purpose of this hearing is to the proposed amendment to Subsection 1137.03 SCHEDULE OF PERMITTED USE of North Canton Zoning Ordinance. The recommendation of the Planning Commission July 9th of this year, that the following land use categories, currently permitted in GB-A, be made a conditional use. Chairman Osborne.

Mr. Osborne: Thank you Mr. President. As Mr. - the President of Council just said, I'll say this in a little more plainer English. When the City passed the new zoning ordinance, it came to my attention that zoning classifications General Business-A and General Business-B were seemingly merged with the same permitted land uses. Specifically, I'm - was concerned with drive-through facilities, car washes, gasoline stations and automobile service stations. Under the previous zoning, the old zoning that we'd had for many years, those uses were not allowed in a GB-A (General Business-A). But under the new code they suddenly were permitted uses. And so council asked that this be looked into. Planning Commission reviewed this and rather than making them - totally eliminating those permitted uses as I was hoping would happen, they've at least taken a step in the right direction and made them conditional uses. So that's what we're discussing here tonight. It's the Planning Commission's recommendation that those four land uses for GB-A be made conditional use instead of a permitted use. And conditional basically leaves it up to the discretion of the Planning Commission and Council to weigh-in and say yea or nay, instead of under the old code they were outright forbidden in use. So I will open it up for discussions. Anybody want - speaking in favor of this change to the zoning ordinance? If you can please step to the mic and state your name and your address and say your piece. Okay, seeing none. Anybody who wants to speak in opposition to this change, which further restricts the zoning giving the City, Planning Commission and Council some say so rather than under the existing code where they just automatically are given blanket approval for those four types of uses. Anybody in opposition? Okay, seeing none. It is a public hearing, but if I may be permitted to do so, I'd like to let anybody on council if they want to speak yea or nay. Pardon me, regarding this change that's been recommended by the Planning Commission. Mr. Foltz...

Mr. Foltz: I don't know if it's a bad change. I think it works the way it is now, Member Osborne. But I'm you know if there's support through council, I don't have a problem with restricting it. But that's my opinion at this time.

Mr. Osborne: Well as I said earlier, this - the new zoning code in some areas and I'm hearing about some others, but in this case here suddenly kind of opened up the flood gates here for this type of use. Whereas the old zoning did not allow that. Mr. Lindower...

Mr. Lindower: Well I think before these changes were made or implemented that there was a lot of redundancy there between GB-A and GB-B and I think this just helps to clarify a little bit more. Other than that I have no objection to it.

Mr. Osborne: Okay, thank you sir. Member Kiesling.

Mrs. Kiesling: I have no objections. I - it was originally like this in our original zoning and I think it sort of got overlooked. I know somebody had talked about in the very beginning of the process this was the way it was intended to be. But I agree with changing it back to a conditional use. That way GB-A and GB-B are a little more different. If you leave them the same there's really no true difference between A and B. So I agree.

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Mr. Osborne: That's true. In fact if we don't change this, with the exception of one use and I can't think of what it is ... the moment, General Business-A and General Business-B will be synonymous. Member Magel.

Mrs. Magel: I don't have any problem with making this conditional. See what you mean, it would differentiate between the two a little bit more. I guess I have a question. What is your intent? Are you amending the agenda tonight or will this be on for discussion next Monday or...

Mr. Osborne: I hadn't really gone that far.

Mr. Batista: We don't have legislation ready on it.

Mrs. Magel: Okay.

Mrs. Kiesling: Right we...

Mrs. Magel: So we'll just put it on for discussion next week then. That'd be fine.

Mr. Osborne: Okay.

Mr. Batista: Inaudible... next council of the whole.

Mr. Osborne: Last chance anybody wants to speak concerning this change. As I said earlier, this will correct what I think was an oversight and restrict these four uses in a General Business-A zoning district, which would provide more protection for the residents. Mr. Law Director, do you have any comments you'd like to say?

Mr. Batista: I think it's a good change.

Mr. Osborne: And I shouldn't forget President of Council here. I'm sorry sir...

Mr. Snyder: That's - I appreciate that. I think, if I'm not mistaken, by making it conditional you have to notify the residents and they will be notified prior. So that will cause some relief I think for some people that might be concerned. Am I not mistaken?

Mrs. Magel: No, that's correct.

Mr. Osborne: That is correct sir.

Mr. Snyder: So otherwise you know they could go in there if it was zoned that way - it would be zoned GB-B and that's how you could put it giving it the highest latitude to put car washes or gas stations in a residential section and this will prohibit that; give us a little more control of what goes into different people's - I think that was a - whoever's idea that was, it was a brilliant idea. And does clean up your zoning, but without putting too much pressure on the Planning Commission or this council. So I would highly support that. I think that was a job well done.

Mr. Osborne: Well those were good points. These four uses in a General Business-A area would require hearings before the Planning Commission, hearings before Council and ...

Mrs. Magel: Notification.

Mr. Osborne: Notification process. So yes, I'm glad we're all in agreement then. Seeing no input from the residents I - that's all I have.

Mr. Snyder: Alright, then I will have a motion to adjourn this.

Mr. Foltz moved and Mrs. Kiesling seconded to adjourn the public hearing.

Mr. Snyder: Those in favor signal by saying aye.

Council members present: Aye.

Mr. Snyder: Those opposed same sign (no response).

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL