

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON PUBLIC HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 25, 6:45 p.m. 2002
(YEAR)

The public hearing was called to order Monday, March 25, 2000 at 6:47 p.m., by President of Council Jon Snyder.

Present for the public hearing were: Council members Foltz, Kiesling, Magel, McLaughlin, Osborne and Snyder. Council member Lindower was not present for the public hearing. Also present were: Mayor Rice, Director of Administration Held, Director of Law Batista, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.

Mr. Snyder: That notice has been given that we would conduct this meeting at 6:45 on Monday, March 25th to consider an application by the Planning - as a recommendation from the Planning Commission, involving Out Lot 198. Chairman Kiesling.

Mrs. Kiesling: Yes. A request for an amendment to the North Canton Zoning Ordinance was submitted requesting a zone change for the premises situated on the east side of North Main Street and known as part of Out Lot 198 and house number 1474. The premises is presently zoned GB-A, General Business-A district and it is requested that the premises be rezoned to GB-B, General Business-B district.

The application was amended by the North Canton Planning Commission to rezone all parcels along the east side of North Main Street between Applegrove Street and Wilbur Drive, being part of Out Lot 198 and part of Out Lot 260 and approximately 654 deep, that are currently zoned GB-A to be zoned GB-B.

The North Canton Planning Commission, at their February 7, 2002 meeting, by a vote of 4-yes and 0-no, has recommended that the property between Applegrove Street and Wilbur Drive be zoned GB-B, General Business-B.

Mrs. Kiesling: Anybody here tonight against the zone change that want to speak? That wants to speak? Seeing none. Anybody here for the zone change who wants to speak?

Joe Parsons: Mr. President, Members of Council, my name is Joe Parsons. I'm president of Albrecht, Inc. We own the plaza with the Acme located in it. We started our rezoning request that actually evolved into the Planning Commission's application back in October of 2001. And initially started out with a rezoning of a particular parcel that we were going to then split out, deed back to ourselves for this particular purpose. And then in talking with the City Engineer and members of the Planning and Zoning Commission, it was suggested that given the changes I guess proposed for the code, it was the Planning Commission's thought that it would be best to simply - perhaps not simply, but to rezone this entire parcel. I'm here tonight to speak in favor of the application and also ask if it would be possible for the this evening's public hearing to also satisfy the first reading of the ordinance. I spoke with the Clerk of Council and she indicated that she did - that, that was not possible. However, as I look at the Charter and Zoning Code and the Ohio Revised Code, I understand that the - by virtue of your charter the three readings cannot be waived. But I don't see anything that would prevent the first reading from taking place at tonight's public hearing. And would simply ask that you consider that. Thank you.

Mrs. Kiesling: Thank you.

Mr. Snyder: Thank you sir. Inaudible...on that Roy?

Mr. Batista: No, it could get a first reading. Typically we do not.

Mrs. Kiesling: We could, we talked about it at the Planning Commission meeting.

Mr. Osborne: We did that with Applegrove.

Mr. Foltz: President Snyder.

Mr. Snyder: Pardon me.

Mrs. Kiesling: Right, we can amend the agenda and do it.

Mr. Batista: Yea, typically we do not, but there's no reason why we can't.

Mr. Foltz: I think the council member of Ward 2 isn't here tonight. I don't know if that would be a bearing on this, being his ward.

Mr. Snyder: That's a good point Member Foltz. I think the reason being and I'm only - I'm only assuming is because the construction season.

Mrs. Kiesling: Yes.

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Mr. Snyder: To get started on that. That would be the only reason I think - it doesn't involve any alcohol anything that was of any...

Mrs. Kiesling: They want to build a gas station on their property at Acme.

Mr. Osborne: We did this with Applegrove, had the public meeting and then voted the first reading.

Mr. Snyder: That's...inaudible...

Mr. Batista: That will save two weeks.

Mrs. Bittle: We have no legislation authorized for a first reading. Council has not authorized any legislation.

Mr. McLaughlin: Well, could we not do it next Monday night? And have - hold a special meeting afterwards and on emer...

Mr. Batista: No.

Mr. Snyder: No, it can't be done on any - it has to be done on a regular council meeting.

Mrs. Kiesling: Can't be at a special...

Mr. McLaughlin: Okay, I'm sorry.

Mr. Snyder: Cannot be done in any special meeting.

Mr. McLaughlin: You're right.

Mr. Snyder: Or you cannot move to a special meeting.

Mr. McLaughlin: Inaudible...zoning...

Mr. Batista: No, you can just waive the rules of council. Is the legislation ready?

Mrs. Bittle: No.

Mr. Batista: Oh, we don't have it? Well then there is no ordinance available so there is really nothing to read unfortunately.

Mr. Snyder: Now one thing that might help the situation, I anticipating requesting a special meeting next Monday evening to consider the second reading of your water - three water issues.

Mr. McLaughlin: Okay.

Mr. Snyder: I don't know at that time that, that can't...

Mrs. Kiesling: It's a special meeting.

Mr. Batista: Inaudible...regular meeting.

Mr. Snyder: Oh, it has to be a regular advertised meeting.

Mr. McLaughlin: It has to...inaudible...it's rezoning...inaudible.

Mr. Snyder: Okay. Well that takes care of that problem.

Mr. McLaughlin: That's like I suggested - I thought and...inaudible...it hit me it's a rezoning issue and you can't do it.

Mr. Snyder: Yea, I just got done telling you, you can't do that and I'm trying to do it anyway. That's how smart I am.

Mrs. Magel: Make up your mind.

Mr. Snyder: But we've - better leave - but we'll leave it up to Member Lindower when he returns.

Mrs. Kiesling: Yea, leave it on his...inaudible...no.

Mrs. Magel: Could I - Roy, this is no way, shape or form any spot zoning or anything, right?

Mr. Batista: What's that.

Mrs. Magel: The GB-A to the GB-B? It isn't - it could...

Mr. Batista: Spot zoning?

Mrs. Magel: Yea.

Mr. Batista: It's a big spot.

Mrs. Magel: Since it's the whole...inaudible...

Mr. Batista: It's an awful big spot.

Mrs. Kiesling: Plus there's businesses there already that are GB-B.

Mr. Snyder: Well it's GB-B at the corner now I believe.

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Mrs. Kiesling: Yea. I mean it's zoned partially wrong anyways.
Mrs. Magel: This...

Mr. Osborne: It's the entire GB-A section.

Mrs. Magel: Just...inaudible...ask the question on the floor to get it on the record.

Mr. Snyder: There's GB-B at the corner.

Mr. Foltz I'm not that...

Mr. Osborne: And there's GB-B across the street as well.
Mr. Snyder: Yea.

Mr. Foltz: Jon, is this just a gas station? Is it a convenient store, gas station?

Mrs. Kiesling: It's a convenient gas station.

Mr. Foltz: Similar - I don't want to stereo-type it.

Mr. Snyder: Well the little I would understand sir, if you would - you're more than welcome to address that.

Mr. Foltz: Just if you give us a little info.

Mr. Parsons: Well, of course we'll have to apply for site plan approval and everything. But it's a fuel center. It has - it will have a small kiosk that will sell oil, windshield wiper fluid and incidental items - incidental to fuel. But it's primarily a set a fuel pumps that are under a canopy. And it's simply a fuel center. It won't be offering - won't be selling - it's not a convenience store. The kiosk is very small; one person in a little building.

Mr. Snyder: And it would be my understanding that the purpose of this venture is to position yourself against the coming competition that you'll get to the north of you.

Mr. Parsons: Well, it's certainly much broader than that. That's part of it.

Mr. Snyder: But I mean basically the volume and the spread on gasoline is much better than it was a few years ago.

Mr. Parsons: Well although the competition of course at this point is every convenience store and every gas station. Everyone seems to offer a much broader selection of groceries. Go to your BP station and buy just about anything you want. So it's an opportunity to compete against those folks. But the significance of fuel and we've installed one of these at one of our stores on Manchester Road in Coventry Township and it helps drive sales through the store itself. It's another reason for people to be in that center and it helps drive the retail sales within the store. And that's really the benefit, because the margin on gas, while it's a little better than groceries, there's a lot of tough competitors in the gas business as well. So it's really an attempt to drive sales through the store and add a convenience for our customers.

Mrs. Magel: Mr. Parsons did you calculate how many parking spaces?

Mr. Parsons: Pardon me.

Mrs. Magel: Did you calculate how many parking...

Mr. Parsons: Yes, yes.

Mrs. Kiesling: Oh, it's all been done through Planning.

Mrs. Magel: And how many parking spaces?

Mr. Parsons: Well I don't - that will be when we talk about site plan approval. But I do know that we can meet - we've recalculated and repositioned and I know that we can, with our new layout we can meet the code requirements. At - while it's a bit off the subject, we're also going to be making application for a renovation to the plaza and significant improvements to the parking lot with a boulevard entry. So it will be a very nice center when we're completed. But this is all part of that process.

Mr. Snyder: Thank you sir.

Mr. Foltz: Thank you.

Mrs. Kiesling: Thank you.

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Mr. Snyder: Any other question. Chairman Kiesling does that complete your questions?

Mrs. Kiesling: Yes it does. If nobody else is here to speak.

Mr. Snyder: Seeing nobody else at this particular time, I will gavel the meeting closed and we'll move on. No we're not - we're not ready for you yet.

Unidentified (from audience): Oh, okay.

Mrs. Kiesling: We'll put it on...

Mr. Snyder: You're alright - you're the next phase. We're in phase 2 here.

Mrs. Kiesling: We'll put it on the agenda for next week.

Mr. Snyder: Okay. Now we have about three or four minutes and we'll begin our regular council meeting.

The public hearing ended at 6:57 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL