

RECORD OF PROCEEDINGS
 COUNCIL OF THE CITY OF NORTH CANTON PUBLIC HEARING Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 4 6:55 p.m. 20 04

CALL TO ORDER:

The public hearing was called to order Monday, October 4, 2004 at 6:57 p.m. by President of Council Jon Snyder.

The following members of council were present for the public hearing: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder. Also present were: Mayor Rice, Director of Administration Miller, Director of Law Pusateri, Director of Finance Herr, City Engineer Benekos and Clerk of Council Kalpac.

Notice is hereby given that a public hearing will be held by the Council of the City of North Canton on Monday, October 4, 2004 at 7:00 p.m. in the Council Chambers at North Canton City Hall. The purpose of the hearing will be to consider removing the open space definition from the zoning ordinance. The North Canton Planning Commission has recommended that the open space definition be removed from the zoning ordinance. 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.

Mr. Snyder: The purpose of this hearing will be to consider to remove from the zoning ordinance. I will echo that zoning ordinance only, the open space definition. As you know, and when the zoning ordinance was first drafted it did contain PUD language which was a companion piece to the open space. And we can not put into the zoning ordinance by itself being able to zone open space. So we're asking to remove that. Chairman Kiesling, is that under you're committee or is that under Chairman Peters? Chairman Peters is that under your committee?

Mr. Peters: Yea. Just hear pros or cons who's either for or against the removal of this from the zoning ordinance. Anybody wishing to speak in favor of? Anybody wishing to speak against the removal? Mrs. Magel.

Mrs. Magel: Hi, I'm Kathy Magel, 1025 East Maple Street. I'm not speaking against it, the removal. I just had some comments. First of all, I'd like to thank President of Council, Jon Snyder, for you're comments and sticking by your word for Briar and Weber. Mr. Foltz, I'd like to thank you. I think what you meant to say is as long as you're on watch, you will not unvacate the roads.

Mr. Foltz: As long as I'm watching.

Mrs. Magel: You said vacate. I think you meant unvacate. Mr. Sarbach, thank you for keeping your word and sticking to the commitment. On behalf of everyone on those roads, we appreciate it.

Mr. Sarbach: Mrs. Magel I'd just like to reiterate. That was never brought up by anyone other than the people who asked for it to be vacated so the developer, it was never a issue.

Mrs. Magel: Actually it's in, the developer put it in the CEDA. That he had no intention of opening up. Mr. DeHoff thank you for that also. Ok. A couple questions. Jon, this is spooky, you're reading my mind here. We discussed that the new development, The Sanctuary, will have 13 acres of open space, approximately 19 percent of the full project was brought up and there was a question how much of it was not water and that was not answered. I guess one of the things when I was on Council I worked very hard for that definition of open space and I agree it does not belong in the zoning book. It was there because at the time we were talking about a PRD. And that's how it ended up there. But one thing that we had agreed on, if there was, the definitions would be the same. I think you're being a little short sided here by removing this definition of open space and not putting another one in. Especially, I don't know how we can say there's 13 acres of open space and 19 percent when we don't even know what definition we're working with. That's my only comment.

Mr. Snyder: That comment is well taken Mrs. Magel but let me explain the purpose of the reason we're doing that. As you so rightfully pointed out you worked long and hard on the development of that. When we removed the PRD/PUD portion we inadvertently just left that in there. As the way it falls now, and I'll defer to the Law Director on that, we can not in our zoning book infer that we can zone open space. We can't do that.

Mrs. Magel: I understand.

Mr. Snyder: So consequently we must define it in our subdivision regulations. It's my understanding, and again I'll defer to my colleagues, under Mr. Peter's committee along with Mr. Foltz and Director of Administration Miller, I think some citizens. Their intentions is to look at the actual design and the actual language of the subdivision terminology and tweak it or ratchet it up or down. Consequently that's what they're future plans are. We hope and nor do we want you to believe that we're trying, and I know you know where we're coming from, sitting here you'll have a better understanding of where were going. But we're only trying to say for lack of better terminology,

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do some housecleaning and clean this thing up so that we can move along and sometime hopefully within this period. They, along with members of the community who are interested such as yourself, will look at defining the open space definition. So that that language is not so ambivalent and when someone reads it even a person such as limited ability, such as myself, they can understand what that means.

Mrs. Magel: I agree with you. And that's what I was saying. It does not belong in the zoning it does not belong in the sub regs. And right now there's not a definition other than the one we had. And that's why I don't understand how we can say 13 acres of open space and 19 percent. When, what definition are we working off of?

Mr. Snyder: Well I think what..

Mrs. Kiesling: 19.5 acres is what she said. Is that...

Mr. Snyder: I think, here's what we're talking about here. I believe there's 105 acres.

Mrs. Kiesling: 107.

Mr. Snyder: 107, so there's 19 acres which are roughly, figure the math in my head, about 8.3 is where...inaudible...8.35 or something like that. So that's why I think and I apologize if I misspoke but that's where I believe they're figuring that out. 19 percent. Which the present subdivision regulations require 5 percent which would be about 5.623 something like that.

Mrs. Magel: That's why I said, Jeff, I'm not here to argue about taking it out. You're absolutely correct. I'm here to say let's put something in. In the sub regs not...

Mrs. Kiesling: It's on the agenda tonight Kathy.

Mr. Snyder: We hate to say that you'd be bird doggin him so they won't get it...inaudible.

Mrs. Magel: Considering what might be on the agenda later. I spoke with Councilman Foltz and put my input and I also spoke with Mr. Miller and I'd like to spend some time with you Mr. Peters. I can take that definition and make sure what the percentage and the way it's written that we will never have a playground in North Canton again. The way it is written. And I'd like to go over that with you mathematically.

Mr. Peters: Yea, actually Doug and I have spoken about that already. We have a rough draft but I gave everyone a copy of it tonight.

Mrs. Magel: Ok.

Mr. Peters: I'll get you a copy. We'll sit down. We've already discussed that.

Mrs. Magel: Ok.

Mr. Peters: We'll sit down within the next week, hopefully.

Mrs. Magel: Sounds good. Thank you very much and again thank all for committing yourselves to your former promises.

Mr. Osborne: Again Chuck Osborne, 307 Fairview Street, SE, North Canton, Ohio. I'm a little confused cause I hear everybody kind of glossing over that we just kind of inadvertently stuck this in zoning. As a former chairman of that Ordinance & Rules Committee during a formulation of this latest zoning, I pretty much just step back out of the issue and let everybody do what they wanted because they were going to do it anyway. This open space definition was purposely put in there. And it was against my recommendations as chairman of the committee. And Mr. Foltz fought vehemently for it, Mrs. Magel fought vehemently that it be put in there. We wrangled and wrangled for weeks and months. I'm baffled that everybody's just all so agreeably removing it now. My argument at the time and it still is now is open space is defined in our subdivision regulations and when this Council, against my objections, put it in there a year ago, it conflicted it's definition in our zoning. It conflicted with our subdivision regulations. So I'm a little bit vindicated I guess here that everybody's finally seeing the light and their removing it now cause it does not belong in the zoning regulations. But I just want to clarify that there was no inadvertent insertion of this definition Mr. Snyder, Mrs. Magel, and Mr. Foltz.

Mr. Peters: Mr. Osborne, am I to understand that you are for removing open space from the definition of the zoning ordinance?

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Mr. Osborne: Yes, it does not belong there. It's already defined in our subdivision regulations.

Mr. Peters: Ok, thanks. Anybody else?

Mr. Osborne: And if you want to tweak it, tweak the subdivision regulations.

Mr. Peters: And we will do that.

Mr. Sarbach: I think that has happened because we have more team builders on Council now then in the past.

Mr. Snyder: We were starting to feel like John Kerry after the debate...inaudible. Alright, anybody else? If not we will adjourn the meeting.

The public hearing adjourned at 7:01 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL