

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

## CALL TO ORDER:

The public hearing was called to order Monday, October 4, 2004 at 6:21 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 6:20 p.m. in the Council Chambers at North Canton City Hall. The purpose of the hearing will be to establish zoning for the recently annexed area known as The Sanctuary. The North Canton Planning Commission has recommended that the area be zoned as follows: 52.8361 acres – R-70, 41.8473 acres – R-50, 6.1317 acres – RMF-A and 6.6190 acres – RMF-B, as presented. 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: I'd like to call to order the public hearing, the records states it's 6:21 p.m. Pursuant to notice given that the public hearing is for the purpose of establishing zoning for the recently annexed area known as The Sanctuary. I better read to the record the Planning Commission at its meeting recommended that the area be zoned 52.8361 acres - R-70, 41.8473 acres – R-50, 6.1317 acres – RMF-A and 6.6190 acres – RMF-B. Chairman Kiesling?

Mrs. Kiesling: I have nothing further to add other than I guess we need to hear from the public. Anybody here wishing to speak for the zoning? Come on up.

Ms. Borda: Good evening. My name is Beth Borda. I'm a representative of McKinley Development Company-821 South Main Street, North Canton, 44720. Tonight McKinley Development is here to submit a zoning request for the villages of The Sanctuary. By requesting this zoning, we are moving ahead with the next step in the CEDA Agreement that was approved by both North Canton Council and Plain Township. The zoning we are proposing tonight is the same zoning that you will find in the CEDA Agreement that became an ordinance in the City in May 13, 2002. Tonight I would just like to give a brief overview of what that zoning is to refresh everyone's memory. Here's a zoning map and there's another map here. And the official map that's tied to the CEDA is behind here if anyone has a specific question. The site is approximately 107 acres, 94 are which we are requesting to be zoned for single family. 203 lots that would be re-zoned to R-50 and R-70 which is what most of the zoning is for the single family in the City of North Canton. There will be a variety of sizes within the development ranging from 60 foot to 80 foot lots. 13 acres of the site we are requesting to be rezoned to RMF-A and RMF-B multi family zoning for condominiums and apartments. There is approximately 19.5 acres of open space on the site which, just to point, that only approximately 5 acres is required by the current zoning. Some of the amenities that will be included in this site are a tree line boulevard entrance, clubhouse and pool area, several water features are going to be included throughout the site and there will also be greenways and walking paths. As far as utilities, Aqua will provide the water service. Sanitary sewer is being worked out currently between McKinley Development and the City of North Canton as per the CEDA Agreement. And Applegrove Road will be widened is addressed in the CEDA Agreement where McKinley will be giving 40 feet of right of way, 15 feet on the North and 25 feet on the South again in accordance with the CEDA Agreement. We are still moving ahead planning this community to be an active adult community, targeting those who are 55 years and older it's targeted. And it is not restricted, so anyone is welcome to live in the community. And that is all I have. If there are any questions?

Mr. Snyder: The only question, Ms. Borda, if I may ask. I think just by the fact that what's coming up on the agenda. So you are showing about approximate 19 percent of the total project will be in open usable, open space, usable open space versus that the 5 percent is required by the present subdivision regulations.

Ms. Borda: Yes, that's correct.

Mr. Snyder: Thank you.

Mr. Lane: Jon, can I ask a question?

Mr. Snyder: Sure.

Mr. Lane: We've been discussing as it related to the Hoover Property and some other property that could become available somewhere down the road, the possibility of either bringing a PRD in or instituting a PUD. At some point in time would that be applicable to this property if we were to zone it according to this specification, could it be changed at some point in time?

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Snyder: Not under the present plan. Again the only, first of all that vehicle is not available to them and secondly they would, at that point, I don't know that it would be practical for them to scrap everything they've done because even if the zoning does in fact pass, which we're bound by law and by contractual obligation to do, they would have to re-submit through the Planning Commission a proposal to do planning and development. At that time, it would change everything because I don't recall but I think under the proposed planning and development that was in there that we extracted would require some 25 percent of the space. So I don't know and it would not applicable to this particular project.

Mr. Lane: No, I wouldn't send everything back to the drawing board. I just wanted to make sure they were aware that we were discussing it at some point in time but I don't when that's going to happen.

Mr. Snyder: Yea, I don't know that and I would defer...inaudible...but I don't think they have any intention of it at this point. They're probably looking to get more sticks out of the ground than they are to drill more plans, I would think. But that's a good question.

Mr. Sarbach: Beth, I have a question. Do you know how much of the area of the open space area is water or open water under non-retention conditions?

Ms. Borda: You know, I do not have that breakdown. But I can certainly supply it to the Council if that's something that they need.

Mr. Sarbach: OK, I was just curious. There is more than there is there now, is that correct?

Ms. Borda: I'm sorry, the question.

Mr. Sarbach: There will be more water than there is there now obviously.

Mr. Snyder: And the other thing I think maybe to clarify so you realize again as I will reiterate, we are contractually obligated to o.k. this zoning. Any plans, and they are probably, and I would assume-I don't know, they're drafting their plans right now for their actual project will be submitted to the Planning Commission for it's approval and then passed on to Council for it's approval so. As far as them changing or bearing from their initial footprint it would be virtually impossible.

Mrs. Kiesling: I have one question. I remember we had spoken way back about possibly our retention detention basins being a hundred year flood plan. Are we still looking at that possibility on that property?

Ms. Borda: I think that we're willing to work with whatever the Council and the City would ask us as far as storm water retention and certainly meet all the requirements.

Mrs. Kiesling: Well that's above and beyond, I believe, our requirements at the moment. But I think that's something we'd like to see.

Ms. Borda: O.k.

Mr. Snyder: Thank you Ms. Borda we appreciate it.

Ms. Borda: You're welcome. Should I leave these here or should I take them.

Mr. Snyder: That would be fine.

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street, SE here in North Canton. When I sat on this Council here in the last couple years, I had three concerns with this development. Not that I'm against it in any way. One of them is being addressed by Mr. Miller at the present time and I hope it moves forward was the need to initially go with gravity sewers. I think Mr. Miller is addressing that and I hope that stays on course. The other two required or regarding access to the High School off of Applegrove. I think people are being very short sided and possibly selfish in their motives. Access to the High School is very limited. It's only from the East. 7<sup>th</sup> Street or 10<sup>th</sup> Street. And I think you very definitely need to accommodate some access off of Applegrove. I don't know why there's a...later on in the discussion of a vacation of Woodside. At the very minimum I would highly recommend this City explore access off of Applegrove down to the High School. And if you want to eliminate some arguments you can dead end it, dead end it at the High School. At the present time you're forcing all your traffic further Westbound to Main Street adding to the traffic congestion. And also adding to the headaches of the people on 7<sup>th</sup> and 10<sup>th</sup>. All that traffic has to come down there in and out of the school. So I don't know whether further approvals of this will totally eliminate a change of heart in the future to build access off of Applegrove. I guess you'd call it...what's the name of that street?

Mr. Miller: Woodside.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Osborne: Woodside. I'm sorry, thank you. Secondly, I am not very, I think you're setting yourself up again for problems with only access to this development off of Applegrove. I guess the projections for the current widening may change. Given that the full development of this subdivision. And there may be a requirement for further traffic control measures with only access from Applegrove. I think the residents of the City and the residents of this subdivision would be better served with either access off of Marquardt or access from either Weber or Briar. And I know that turning up a hornet's nest but this City continues to perpetuate self interests. Again, I think you're setting yourself up for problems with and I know you've made some kind of discussion that a breakaway drive-thru off of Briar or Weber I don't think that's acceptable. You need to have access for everybody in and out of there. But we'll just see what comes. Thank you.

Mr. Sarbach: Mr. Osborn, may I ask you a question?

Mr. Osborne: Uh huh.

Mr. Sarbach: Has something changed with the High School since the inception of the High School in that area that they want access to the North? I was intimately involved as Ward Councilman and living on Hall Road just Northwest of the school complex and they didn't want access North. I mean they wanted out the way it is now.

Mr. Osborne: Well nobody wants change.

Mr. Sarbach: It's their facility sir, it's not ours. It's their facility.

Mr. Osborne: You need to look at this from a city-wide transportation infrastructure. And you have hundreds and hundreds of kids who need access. What about the people that are going to live actually in The Sanctuary? Their going to have to go out to Applegrove, go all around to Main Street, come all the way down or Applegrove down Main Street and back in. There's no access in from the subdivision. They couldn't even walk, I guess, to school if they wanted to.

Mr. Sarbach: I think there is a walking path there from what I understand.

Mr. Lindower: There's something else that I think should be considered, excuse me...inaudible...We looked at that, you talked about that many months ago, I believe. Topographically, it's almost impossible to have access from the North up here. Have you looked at that up there? I made the statement before in a joking manner that we'd have to...

Mr. Osborne: I know there's a water structure there that you would have to accommodate.

Mr. Lindower: ...we would have to build a high level bridge across there just to get across the topography.

Mr. Osborne: Again, to look at the transportation infrastructure of this City, we continually move ahead with closed communities. For access for everybody whether it be police, fire, EMS, residents you can't get there from here. You have to go here, go all the way around to get there. If we're going to be a unified city, we're all working together, I just think you're not going to be a successful city when you create these kinds of closed environments.

Mr. Snyder: I thought, now correct me someone if I'm wrong, Mayor if I am wrong I think as it brings a couple questions here. Number one, were not only verbally committed to the residents there but that property would never, those two streets will never be opened up. That was a stipulation that we made in very good faith with the developers with the residents there and now to begin to renege when they supported that is not the spirit. Just hear me out. Secondly, I understand the developers welcomed some unlimited access to be, and I apologize for the terms Mr. DeHoff, but more of a gated community and that seems to be the way things are moving for reasons of security. To allow ingress to your property. But relative to that I think we have some pretty founded agreements both contractually and verbally with the neighborhoods that we would make the least amount of impact there we possibly could do and to open lower end traffic to those people now is completely out of the spirit of what we negotiated. And this has been all negotiated in public in a CEDA Agreement. It's not a general annexation where we took the property. We promised certain things and I think moving away from that is taking away from the spirit of what we originally intended and what we signed with the people and they expected. Now I realize what you're saying but also you must understand what we negotiated and to open that lower end I don't think serves our purpose.

Mr. Lindower: Mr. President.

Mr. Osborne: I referred to it as a hornet's nest and yes I understand that. But I think when you make those kinds of agreements you're just looking out for the vote for your next election. You're not doing what's right for the future growth overall of the City.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Lindower: Chuck, Washington Square is in my Ward. That's a good example right there. You talk about a limited access. That's limited access out there. There has been no problem whatsoever and I'm certain if you ask those people living in Washington Square if they wanted roads running in from the West or the North they wouldn't go along with that. It hasn't created a problem at all and there is a lot of development going on out there right now.

Mr. Osborne: I don't know if that is quite as large as this. I don't know the number of homes out there as compared to this but again to grow as a city and have all these closed areas, I think you're having a impact on... You know all you have to do is have a blockade out there for some reason and you can't fire trucks back in there because the road is closed for emergency or something, EMS, whatever. I just think you're setting yourself up and I think it's poor policy. Thank you.

Mr. Snyder: Has the EMS and Fire Safety they've not looked at this project. It's not to that point yet, correct? It wouldn't be that point where they would make a determination whether it be as far as...

Mayor Rice: I'm not sure they made anything official. I thought the purpose of the public hearing was to discuss zoning not the site plan but I don't know for sure at this point Jon. I think they're aware of it but I don't know that they made an official comment on it or anything.

Mr. Snyder: Right. But I'm saying at the point it would be addressed and taken care of in due course.

Mr. Foltz: Jon, I don't know if EMS and fire went on the record or the Police Chief went on the record but it is my understanding they reviewed this and didn't have a problem with it. And I'll say on my watch here, as long as I'm elected council we will not vacate those two streets. I'll be very strong opinionated here on this, ya know? We gave those residents our word.

Mr. Snyder: That's what I said. I know we did.

Mr. Foltz: I'm not here to change my mind in any way, shape or form.

Mr. Lindower: That question came up again when Washington Square was being developed out there and I happened to be working in the Police Department at the time. One of the issues we look at was that particular situation. How accessible would that be to emergency services? There has never been problem with that. And it's been four years since I've had to deal with it but I'm pretty much in touch with the folks downstairs and it's not a problem.

Mr. Lane: Correct me too if I'm wrong because I was on Planning when we did this and you still are going to allow access at the end of Briar and Weber as Chuck was referring to a break away if a fire truck were to have to get through there, correct? That's not going in somebody's back yard, right?

Mr. Snyder: I don't think so. Of course, that's been, don't forget that's been vacated to the City.

Mr. Lane: Right.

Mr. Snyder: My understanding all access is up on the other end.

Mr. Lane: No, I know but we were referring ya know one time about making sure that as an alternate, as Chuck mentioned, if Applegrove were to be tied up and they would need to get access into there similar to what we did at Grassmere.

Mr. Snyder: I don't believe that. I think that if I'm not mistaken that's someone's back yard. The development comes up to that as someone's back yard.

Mr. Lindower: That was one of the issues that we dealt with. That was vacated up there and that is not to be used as any kind of a cut thru.

Mr. Snyder: Right. I'm sure if something would come about a fire truck is not going to pay attention to anybody's yard or anybody's shrubbery. They going to just...

Mr. Lane: No, I thought for some reason there was some access off one of those two streets.

Mr. Snyder: No, we talked about that. But it's pretty much my understanding and I would defer the engineering on that but I don't think there's any intention ever of using that period.

Mr. Orsborne: I believe you did state that they would put a break away access in case it was desperately needed.

Mr. Snyder: I, it may have been. My understanding it's developing in someone's back yard. I'm sure if an emergency arose they drive into somebody's yard. But it's not, I don't think the plan. And again I'd defer to the emergency services when the plans come along to...

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Lindower: You could come up with a catastrophe in any block in this City if you want to and say it's impossible to get to it. I'm certain if there was a catastrophe out there to where, for instances Applegrove road was blocked one direction or the other. That there would be access to that area out there by emergency services somehow. As Jon says if it's necessary you'll drive around somebody's house here to back yard if you have to. It's not as if we're closing that area off and making it totally impossible for somebody to get out there. It isn't going to happen.

Mr. Snyder: It was my understanding that they were going to put some shrubbery there or something to strictly aesthetic to because there's a steel guardrail there and I do know that once we talked about aesthetically beautifying it a little bit. But it's pretty much my understanding their sealed at that's the way they'll remain.

Mrs. Kiesling: I think we need to move on. We're not, we're only talking about zoning. We're not talking about vacation. We still need to hear from the people who are against it if there are any.

Mr. Osborne: Well what you're doing when you...

Mrs. Kiesling: Chuck.

Mr. Osborne: ...create these dead end streets. This is my last point. Is you're creating a situation where the City is going maintain the curbs, the gutters, the sewers, the waters and the residents who live right there will get to drive and use that. Basically, nobody else in the City can drive on. But yet you want everybody in the City to contribute to the maintenance of that road. And I don't think that's fair either. Thank you.

Mr. Snyder: Thank you.

Mrs. Kiesling: Anybody else wishing to speak for the zoning?

Mr. Viscounte: My name's Roger Viscounte and I live at 1122 Pleasantview. And my property's on the W. Nimishillen and I've addressed the flooding problem before. But now with this Sanctuary I guess I'm addressing it to you people. Is that correct? You have you're map here and you said that there are a hundred year water basins there, correct? Flood plan.

Mrs. Kiesling: That's something...inaudible.

Mr. Snyder: Mr. Viscounte I don't believe. Mr. Viscounte here's the problem. Those people are here only to testify for that.

Mr. Viscounte: All right then.

Mr. Snyder: You'll have to address it to...

Mr. Viscounte: Let me address to Council then. Is that what you want?

Mr. Snyder: Yes, sir.

Mr. Viscounte: Ok. The plan, I don't know how this plan is different than it was when it was applied for in Plain Township. But Plain Township turned the plan down twice. They wouldn't accept it because of the water retention basins. They were not large enough to accommodate and they were afraid there would be flooding so it was applied for twice and there's suppose to be so much green space and apparently whoever was applying for it was using the water retention basins as green space. So the Zoning Board in Plain Township turned it down twice. And I want to know is this the same plan or did we make arrangements or specifications so that we wouldn't have this flooding. Because what I'm concerned about is the flooding on the Nimishillen Creek which will flood my property.

Mr. Snyder: Well number one the plan that they submitted in Plain was under Planning and Development which we have no type of zoning to mirror or even come close to that. That meets all, the plan will meet all subdivision regulations for the City of North Canton. And it is, actually, two times greater than what it actually has to be by law. By our subdivision regulations it must meet a 50 year rain. I think Mrs. Kiesling or someone just mentioned tonight that it's already been designed and by their engineers at a 100 year flood plan. So, I'm sure, again I don't know that that's an actual, they're not showing a site plan. Or showing what they're going to put on the property. We're only zoning the property now the next will come where they actually will submit a plan that they must show you and Council and the Planning Commission how they intend to hold the water on their property. Because they are required to hold that water on their property and they must meet that burden.

Mr. Viscounte: So you're requiring them as from what I understood what was said a hundred year flood plan.

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Snyder: Yes sir. We're requiring to meet their burden at a greater, twice it's greater level. Our present subdivision regulations require them to meet the burden to hold the water at 50 years. Of course, you know July 27 in 2000 we had a 1,000 year rain. Anything's possible. But their burden will be to meet the requirements to maintain the water on that property at a 100 year flood plan. Which, in essence, should help you because even though there's nothing on that property now, there's a lot of water that comes off that property. And it ultimately ends up in that creek along your house and unfortunately and ultimately ends up in your basement. But they're going to, they'll be required to hold that water on that property. They'll have to submit a plan to the Engineer and Administration to do that. Right now they're only asking that we zone certain areas of that property for that.

Mr. Viscounte: Ok. So from what I understand that your saying is that this has already been thought upon and that you are requiring them to submit a plan where water is not going to flow into the Nimishillen Creek? Is that correct?

Mr. Snyder: Well it's gonna eventually flow in there. But it's going to be held on that property.

Mrs. Kiesling: At a slower rate. Yes.

Mr. Snyder: It's going to be let out at a rate and of course I'm not a hydraulics engineer so I'm going to watch what I say. I'm going to be in trouble for sure. But it's going to be let out a rate that will not either exasperate, or hopefully exasperate or increase the amount of water greater than what it is. It actually should be less. I would defer to the Engineer at that. I don't know. Am I saying the right thing or I'm getting a little deeper than my ability.

Mr. Benekos: Just to, a minor correction. The subdivision regs don't put a number on storm retainage. As far as 50 or 100 years. That grants, unfortunately, or fortunately that own is upon me, the City Engineer. We are working with the developer to establish what the storm requirements are going to be in this case. We have talked to them about being a 100 year storm that we want them to retain but you're saying retaining a 100 year storm it has a lot of different meanings and nuances with the hydraulics. We're going to work with them to try to develop a system where by we'll minimize any effects downstream. During a small storm events, it should not increase any run off downstream. There will be run off as it is now. Hopefully, we'll improve that for the smaller storms. For the large storms, once you get over the theoretical 100 year storm, well we're all going to have problems with that. Hopefully that will answer your question. We are concerned with it. It is going to be a major factor in the design as we reviewed the design and we're working on that.

Mr. Viscounte: Ok. I'm sure someone like Doug Lane will keep me informed, right?

Mr. Lane: I promise I will.

Mr. Snyder: There will be a couple other meetings. Thank you Mr. Viscounte.

Mr. Viscounte: Alright. Thank you.

Mr. Lane: You're on my speed dial Roger.

Mrs. Kiesling: Anybody else wishing to speak for the zoning? Seeing none. Anybody wishing to speak against? Or not for?

Mr. Lane: Kinda of in between.

Mrs. Bevan: I'm neither. I am a neighbor to the South of you. I am also concerned about the water.

Mr. Snyder: Mam will you give us your name and address for the record?

Mrs. Bevan: Ok. Linda Bevan, 1359 Willowway SE. We've had more flood damage, besides the 100 year what they're calling it. We've had numerous overflows of the creek. Also, I wanted to know is Stark County Soil & Water Conservation, do they work with you? Or do they work directly with the developers? What function do they have?

Mr. Benekos: They'll review the plans for certain aspects of it.

Mrs. Bevan: Alright. Because it says here in this article that they look at this before they are breaking ground to insure that work is being done so there is no erosion or deposit of sediment into ditches and creeks. So, does that come after it has already been approved and everything?

Mr. Benekos: No, that's part of the approval process.

Mrs. Bevan: So then we will be guaranteed that we're getting the 100 year detention ponds?

**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 6:20 p.m. 20 04

Mr. Benekos: They don't review that aspect of it. They're more concerned during construction that they don't strip the land of all the vegetation and then the sediment goes into the stream and ditches and gets washed down stream. They'll insure that storm erosion controls are in place during construction to minimize that.

Mrs. Bevan: Ok. The storm sewer is it going to be bigger behind my house? To take care of all that water?

Mr. Benekos: No.

Mrs. Bevan: No.

Mr. Benekos: The storm sewer behind you're house?

Mrs. Bevan: Yes.

Mr. Benekos: No, they're not going to increase the size of storm sewers coming down stream.

Mrs. Bevan: Ok. And the other sewers, septic...

Mr. Benekos: No. They'll not be upsizing those down stream.

Mrs. Bevan: Ok.

Mr. Lane: There could be some relief though. Again, I don't want to speak out of turn but when the study comes back, not only the dam but also the area from Schneider down around the bend to just past your house. There could be some concerns that come out of that. That we're going to have to take some action on and that could be one of the things they could recommend, right? I mean in some point in time we could see some of that coming but I don't want to speak before that study is done which is going to be another three or four weeks from what I understand.

Mr. Miller: Mid December.

Mr. Lane: Mid December now. Ok. But anyway when that comes out some of these things could be resolved that have a minor amount of things to do with this but ultimately affect you. I don't want to get too far off the subject here but.

Mrs. Kiesling: Anybody else wishing to speak in the audience. Come on up Mariam.

Mrs. Baughman: Mariam Baughman, 320 Weber Avenue. I just have two concerns. My first concern is the RMF-B. That's hard to say. It's my understanding that that will be developed lastly after all the homes are put in. And I see that there is right here all these homes and my concern is that we're creating another Auburn Knolls. Because those people bought their homes and then suddenly they find out that there's going to be a three or four story building right at the end of their lot. RMF-B calls for 24 units to the acre. So you know you're not going to go under ground so they're going to have to be tall buildings. If the developer would do that many. RMF-A calls for 12 units to the acre. My suggestion is to zone this all R-70, R-50 and then at the point that the developer wants to put the condos and the apartments in, talk to the people around the actual area and get their input into it. Because, and I understand, Marcia, you work very closely with the folks in Auburn Knolls. They were very, very upset.

Mrs. Kiesling: But I think this is a totally different situation. The fact that these people who buy these lots, I have every confidence that Beth Borda and Mr. DeHoff and Dan DeHoff are going to inform them and show them site plans. And I think anybody's who's going to buy a lot is going to see what the entire project looks like. I know I would.

Mrs. Baughman: I know but the average consumer isn't that well informed.

Mrs. Kiesling: Well, that may be true but I do have the confidence that these guys are going to step up to the plate and inform them that this will be in your backyard.

Mr. Lane: I think you're going to have terrain differences too. I mean as where Auburn Knolls is like this and somebody would put a building up here and look straight down on, that's not going to be quite that traumatic.

Mrs. Kiesling: Right. But I understand what you're saying Mariam. But we can't zone it R-70 because of our CEDA Agreement.

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mrs. Baughman: Ok, that was just a concern. My other concern, and I don't know if it's even proper for tonight is will there be on the deed that the homeowners will pay the dues to maintain the clubhouse and the pool? I lived in a development in Charlotte, North Carolina we had a pool in our development and everything went fine for five years. And then at the end of five years as the houses were sold and new people moved in they suddenly decided they didn't want to put that extra money out to pay the dues. And of course the City of Charlotte wouldn't take it over and so the pool became an eyesore. There was no money to keep it open, their weeds grew up. It was horrible. So I know the way to fix that is put it right on the deed that the dues have to be paid or it goes on their taxes. Ok. And then another idea that I just have is there is...what's the name of the street? Chappel Hill. If the school needs another access, they own the property at the end of Chappel Hill. And I'm sure if they wanted an access that badly they would either sell or donate that property and Chappel Hill could be extended into The Sanctuary and then make a right hand turn into the school. It's a very short street. It couldn't be used as a cut thru. It wouldn't go anywhere. That's all.

Mr. Snyder: Thank you.

Mr. Osborne: I have one quick question here, Mrs. Baughman brings up a good point. The RMF-A and RMF-B. Is that going to have a separate entrance or will people be using the main boulevard to access that?

Inaudible

Mr. Osborne: So you haven't determined that at all? So if you got 12 units per acre and 24 units per acre that's a lot of traffic again coming in that same entrance way. So again, traffic is my concern.

Mrs. Kiesling: Anybody else wishing to speak?

Mr. Pritz: Hi, my name is Jim Pritz. I live at 1225 7<sup>th</sup> Street, NE, North Canton. Maybe you've already answered it but are we going to see a taxpayers how that water is going to be taken off of this property? Is that coming up at a later meeting?

Mr. Snyder: Yes sir. That'll come up when they do submit the actual plans for it. They have to submit to the Engineering and to the Planning how they actually intend to hold the water there and how they actually intend to move it off at a rate that it would not increase or exasperate the existing...inaudible.

Mr. Pritz: The reason I'm asking is I don't know if the developer or any of the people have party to what's going to go back there. In a hard rain, we've got Lake Bob O'Link. The thirteenth tee is almost under water. And it's the amount of water there is bigger than the two lakes that's on that property. I have a stream or a creek that drains out of those lakes that runs through our property. It almost forced the bridge out this past Spring. And you pave roads and everything else up in there you're going to get a lot more water and I want to know where's it going. I don't want it coming down the creek. Ok?

Mr. Snyder: Alright Sir. That's a very good point. Thank you for that.

Mrs. Kiesling: Anybody else wishing to speak?

Mr. Snyder: Seeing no other comments of the Council.

Mr. Sarbach: I'd like to just have one comment. It's so seldom that Doug and I agree with each other. I would like to echo you're opinion about Briar and Weber though. That was worked out with the entire neighborhood not just people that lived at the end of the street. As long as I'm here that's not going to change.

Mr. Snyder: No other comments? If not, I will then adjourn this public hearing right now.

The public hearing was adjourned at 6:56 p.m.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL