

Jackson Township Zoning Commission Meeting Minutes  
June 20, 2019

Members Present: James Conley  
John Weston  
David Thiel  
Matthew Sutter  
Justin Gantz-Alternate  
Zoning Inspector: Joni Poindexter

Absent Members: Chylece Head  
Matthew Williams-Alternate

**5:00 PM Amendment #638-19** – A List Land Development, LLC, 1425 Whipple NW, Canton, Ohio 44708 and CT Consultants, Inc. 8150 Sterling Court, Mentor, Ohio 44060 agents for Julian Jeffery D. Successor Trustee of the Julian Family Revocable Trust, 7291 Stuhldreher NW, Massillon, Ohio 44646 propose to rezone R-R Rural Residential District to R-1 Single Family Low Density Residential District, approx. 32.49 acres known as parcel #1612954 and 7291 Stuhldreher, located on the north side of Stuhldreher where it intersects with Julian, Sect. 33NE Jackson Twp.

Mr. Conley read the file application into the record and the reason for the request.

Mr. Conley asked for those in favor of the amendment.

Mr. John Crawford, 21 Lyndale Dr, Painsville, Ohio stated he is working with A List Land Development. It is approximately 32 acres of land. They are asking to rezone the property from R-R to R-1 Single Family Low Density. To the south is R-3 and R-4. There is a section to the south that is also R-2 that is two family. Currently going in between Julian and Hills and Dales are the R-3 condo duplexes. There is Rural Residential of either side of the subject parcel. The one is an existing single family lot that will be undevelopable unless the roads are put in and connected. He believes the difference between R-R and R-1 is a realistic request due to the lot sizes.

Mr. Thiel asked if there is a road plan.

Mr. Crawford stated yes, they have a plan that they talked over with Stark County Regional Planning and water and sewer is available. Mr. Crawford stated it is his understanding that the R-R was originally created for farm land that did not have access to water and sewer and the property does have water and sewer. Mr. Crawford showed a proposed plan that had been submitted to Stark County Regional Planning and explained that there are some wetlands to the north and two roads are connected to the un-platted land.

Mr. Crawford stated the plan is to create 58 lots all with water and sewer. There is 3,100 ft. of roadway.

Mr. Sutter asked what the average size was of the lots.

Mr. Crawford stated most are 15,000 to 17,000 sq. ft. and some are larger around 32,000 sq. ft.

Mr. Sutter stated the board isn't judging the plan because the plan could change and explained that there is a large long piece of property to the west that has a house on the property that is zoned R-R.

Mr. Conley asked where the house was located.

Mr. Crawford pointed out the home on the large piece of property to the west.

No one else spoke in favor of the rezone.

Mr. Conley asked for those in opposition to the amendment.

Mr. Dave Dureska, 3533 Vineyard NW stated his property is to the east. He purchased his house on Feb. 14<sup>th</sup>. It is a nice neighborhood. He has a business in Jackson Township also. He knew the property was for sale when he purchased his property and knew the road Chilmark could be cut through. By going from R-R to R-1 it will increase the traffic. It looks like there is no ingress or egress off of Hills and Dales. Fifty-seven houses verse what would go into the R-R is an increase. With no access onto Hills and Dales there will be a cut through the neighborhood. The reason for the R-1 is that the developer wants to offset cost for construction.

Mr. Thiel asked Mr. Dureska why he thought there will be more traffic.

Mr. Dureska stated because people will cut through Vineyard.

Mr. Conley asked Mr. Crawford about the traffic pattern.

Mr. Crawford explained the traffic pattern and that they have done a minor traffic study and most of the traffic will come off of Julian. There is no direct access off of Hills & Dales. The only homes that he thinks would use Chilmark is those that are on the curve of the property.

Mr. Conley stated he knows the plan is just a proposal and is not written in stone but asked how those to the north would access the developments.

Mr. Crawford explained the plan and that Aramis is a temporary cul-de-sac. Stark County Regional Planning requires that anytime a road butts un-platted land that there must be an access point for future development. He has spoken to RPC and is hoping the far north cul-de-sac will be turn into a permanent cul-de-sac.

Mr. Dureska asked if there is any way to have access onto Hills & Dales.

Mr. Sutter stated if the land doesn't abut Hills and Dales they cannot have access.

Mr. Crawford stated the direct access would be off of Julian.

Mr. Conley stated it appears Chilmark will extend and join with Julian.

Charles Ash, 3479 Vineyard explained if anyone is going anywhere toward Canton they will use Vineyard and the number of houses will double.

Peter Williams 3503 Vineyard explained anyone that lives in the neighborhood will cut through their development to get to the new development. It will be a nightmare for his neighborhood and the number of homes is his concern.

Mr. Kartik Mehta 3557 Vineyard NW stated his home is a large investment. He had an expectation that his home value would increase but he understands there will be development. He expected the land to remain the zoning as it currently is. It would be hard for him to disagree that the traffic will be an issue. Logic says if you are going to go into the neighborhood that people will use Vineyard. He asked the board to keep the property R-R. To make money is not a logical reason to rezone a property.

Ms. Susan Smith, 3680 Vineyard stated the only other way to get to Hills and Dales is take Julian and Stuhldreher and it is hard to make a left onto Stuhldreher from Julian. She wonders if there would be a traffic light. They could keep it under 50 homes and have one entrance.

Pat Fuller, 3435 Vineyard stated she is concerned about property values and traffic. Their homes are around \$400,000. They are concerned about the traffic and adding 100 extra cars. More children causes more stress on the schools also.

Mr. Thiel asked if the lots are smaller than the R-R.

Mr. Crawford stated yes, but some are larger.

Shawna Eckstein 7400 Stuhldreher stated there is a lot of traffic on Stuhldreher. When going to work she can count about 20 cars before being able to turn out. People speed around the corner. She thinks people will cut through the Vineyard neighborhood. She has a large concern about the traffic and they are dealing with a busy area.

Ms. Joyce Carr, 5437 Vineyard stated to get out of her street at 5:00 PM and early in the morning is difficult. There are 14 condo buildings being developed at the corner. When those homes are sold with 57 homes behind her there will be about 114 cars coming in and out of their area. The school system is overloaded as it is. She asked how many homes could be developed under the R-R.

Mr. Crawford stated he did not know but no matter how it is developed there will be an access onto Chilmark.

Ms. Carr stated it is very difficult to make a left turn off of Julian onto Stuhldreher. She thinks they need to find out what the number of homes are for the R-R verses the R-1.

Ms. Tiffany Atkinson 3434 Vineyard and she echo's the other's comments. She can't image going from a dead end street to having everyone going west on Hills and Dales coming through her neighborhood.

Mr. Robert Carr, 3457 Vineyard explained he has lived in a number of neighborhood but he really enjoys the neighborhood he is in now. It is a pleasure to live there and he hopes the board gives consideration for anything that may hurt the joy of the neighborhood.

Jason Snook, 3595 Vineyard stated his question is the need for this many homes in Jackson Township. Jackson Township is declining in population so he doesn't think that many houses are needed.

Mr. Crawford explained that the Stark County Subdivision Engineer has a regulation. When the current subdivision was built Chilmark was meant to extend in the future. The only way Stark County Regional Planning would allow another development to go in is if they connect to the existing road. The houses that would go in are going to be \$275,000 to \$350,000 homes. The development to the west has an average price at \$175,000 to \$250,000. Future connections are required.

Mr. Dureska, 3533 Vineyard explained after listening to everything his concern is that R-R was never considered. They are asking for the rezoning without considering R-R and hopes the board carefully considers the safety issue.

Mr. Menta. 3557 Vineyard explained the residents invested a lot of money in their property because they wanted to see their value grow. They want to put a \$250,000 home next to his half a million dollar home. He thinks the values will not improve and when they sell their house they want to sell it at a profit.

Ann Danilowicz, 3631 Vineyard stated she listened to everything but no one mentioned the garbage trucks that come through as well as the school buses and lawn care people. That is a lot more traffic and it is a big concern.

Mr. Troy Julian, 7291 Stuhldreher NW, stated his dad passed away about seven years ago and his mom passed away about two years ago. He has to sell the farm. He's getting too old to mow and his brother doesn't want to do it. Years ago R-R was across the street and when they requested R-3 he was the only one who attended the meeting. Now there is going to be R-3 with condos and no one cared. He loves his neighbors but no one showed up for the rezoning from R-R to R-3. He is selling to a person and they are ones who are asking for the zoning change. There are two roads on to Julian now.

Ms. Pat Fuller, 3435 Vineyard stated she knows they had to sell the farm and knows that something is going to be built but her concern is the amount of homes, traffic and quality of homes.

No one else spoke in favor of or in opposition to the amendment and Mr. Conley closed the amendment to public input.

Mr. Sutter stated he heard a lot of concerns but there will be some development. The zoning allows homes and roads no matter what and to connect to the existing development. He knows traffic is a concern but he was out there looking at the homes on Vineyard and to the west where it is zoned R-1 and there is a significant difference between the character of the neighborhood homes on Vineyard and the other homes in the area. If he lived there and bought a home knowing that was zoned R-R and now it is going to switch to smaller lots he would be upset. The house that sits on the strip to the west would now be surrounded by R-1 and it is R-R zoning. There is a setback difference with R-R and R-1. With R-1 homes can go closer to the property line. He thinks the character of the area will change if the zoning is changed to R-1.

Mr. Thiel stated the land is going to be sold and developed. To take it from R-R to R-1 is probably the most minimal proposal you could have. Chilmark was put there to go through and for a reason. Historically fifty-three homes do not generate hundreds of cars or huge amount of traffic. The schools are not at capacity and Jackson Township encourages development. They need residential to offset the commercial development. They need a balance in the township. He doesn't agree with the gentleman about the value of the home. New development increases value much more than old developments. He doesn't like the fact without a plan approved by RPC that there isn't a specific road approval. He thinks once you have a site development plan it has to be approved by the County, Sewer, Roads, Fire, etc. He thinks once they have that the residents would know more of what to expect. He thinks the proposal is reasonable.

Mr. Weston stated he knows that there will be traffic studies, water runoff, etc. The board looks at the zoning part and what makes sense from a zoning stand point. There could only be a difference of 8 less homes and they wouldn't have to be here at all. It's like .56 acres versus .66 acres. He doesn't think they are going to build junkie homes.

Mr. Gantz explained he thinks the challenge with rezoning is that you can't walk it back. If it is rezoned to R-1 they can do what they want and it doesn't have to be the plan that is shown. R-1 is do what you will in compliance. Property values is one of the reasons we have zoning but we also encourage development. There is green space in the plan but he thinks there are ways the residents could have been engaged.

Mr. Gantz asked Ms. Poindexter if they could do a planned development so the board could see a more concrete development.

Ms. Poindexter stated there is the R-3 that is a planned development that is based on a specific plan but they would have to request that.

Mr. Gantz stated he think there is an opportunity where the residents could have been engaged more. There is green space in the plan but he think there are other ways they could have been engaged as well.

Mr. Conley stated he didn't buy a lot of the arguments. He doesn't think we have more homes then are needed. Homes \$250,000 to \$300,000 sell pretty quickly and are not hard to sell. He thinks homes in the \$500,000 range are hard to sell. Chilmark was put in so if the property was developed then Chilmark would be an access way. There are too things he looks at. One is it a reasonable use of the property, he thinks so. The other side is what the impact is on the folks that live nearby. If the residents weren't in attendance he would vote yes, but he sees that everyone butting the property is against it so he would vote no.

Mr. Thiel made a motion to approve amendment 638-19 as requested and Mr. Weston seconded the motion.

The vote was: Mr. Gantz-no, Mr. Sutter-no, Mr. Thiel-yes, Mr. Weston-no, and Mr. Conley-no.

Ms. Poindexter stated she believed the amendment would go before the Trustees on July 9<sup>th</sup> but she is not yet sure of the time. Those that received notices will receive them for the Trustee meeting also.

**5:15 PM Amendment #637-19** - The Jackson Township Board of Trustees, 5735 Wales Ave. NW, Massillon, Ohio 44646 propose misc. text amendments to the Jackson Township Zoning Resolution, including but not limited to, clarification of total maximum square footage for accessory structures, commercial trash containers/dumpsters on residential lots, Mobile food and stationary vendors, signage and amendment processing.

Mr. Conley read the file application and asked Ms. Poindexter to explain the amendments.

Ms. Poindexter stated most of the amendment are for clarification purposes.

Item #1 is just rewording the regulation for better understanding as to how the square footage accessory buildings are calculated.

Item #2 is to clarify that the regulation is for all commercial trash containers or dumpsters located on a single family lot or parcel not those just in certain districts.

Item #3 it to clarify the difference between a mobile and stationary vendor and that a mobile food vending falls under the transient vendor legislation. A stationary vendor is any vendor that sells food or other items at a fixed location for a period of time not to exceed 180 days. This is someone like the hot dog guy that is Lowes every year for a few months.

Item #4 is taking out the word "new" in the sentence so this sign would be for any type of construction that is happening on a property.

Item #5 is changing the maximum number of signs to 2 as oppose to one per street frontage. This will allow more signage for event such as Stark State, Kent State or the Township celebration that are large parcels of land with a lot of street frontage. This is for non-commercial signage such as events, non-profit etc.

Item #6 is removing that it's the responsibility of the property owner to ensure that signage is dispersed per tenant due to the fact that the township has a regulation in which the signage permitted is based on the tenants building wall frontage and the other item is adding the wording "in which the tenant does not have its own exterior entrance" for clarification purposes. Also per this section the limit of building square footage of less or greater than 175,000 sq. ft. in the B-3 and I-1 district would be removed so the maximum signage would be for any building in the B-3 and I-1 and the maximum square footage of wall signage permitted in the B-3 and I-1 district would change to 1,100 sq. ft. It is still only 2 times the building wall but the maximum would be 1,100 sq. ft. This allows for more signage on larger buildings that may or may not sit back further from the road.

Mr. Sutter stated that he huge.

Ms. Poindexter stated it is still 2 times the building wall. It's just allowing more signage if you have a very large building.

Ms. Poindexter stated signage is measured by 2 times the linear footage of the building wall. If you are allowed 2 times the wall and you have a very large wall you should be able to have more signage.

Mr. Conley stated he thinks it is too big and the other board members agreed with him.

Ms. Poindexter stated this would allow a large building that could possibly sit far back from the road to have signage that is visible.

Mr. Gantz stated he thinks they could apply for a variance if they needed more signage. He is opposed to big signs.

The board agreed that they did not want to approve 1,100 sq. ft. of wall signage as a maximum in the B-3 and I-1 district and would like to modify it to 400 sq. ft. maximum in the B-3 and I-1 district no matter the square footage of the building is.

Mr. Conley stated this would be addressed in the motion.

Item #7 is removing the entire section regarding off-premises signs for commercial developments 175,000 sq. ft. or greater because it is confusing to some people. The purpose was to allow the business that had 175, 000 sq. ft. or greater of leasable area to put a sign on any other parcel that did not have a freestanding sign to advertise their business. Some people are being confused by it and are interpreting it as any property that has 175,000 sq. ft. or more

of leasable area allows anyone to put their sign on the property and this is not the case. It is better to remove it to avoid confusion because no matter what only one freestanding sign advertising a business is permitted per street frontage for a property.

Item #8 it just changing the Chapter number due to the deletion of Chapter 504.

Item #9 is to better clarify that the frames and structural members utilized to hold the sign in place and not being advertising matter is not included in the computation of surface area. And to give an example of how we square off signage when figuring the square footage. If a letter sticks up a bit in the wording such as a "J" sticks up higher than an "a" it is squared off and we do not count the letter that stick up a little further than the others.

Mr. Gantz asked if it is just the signage itself that is measured.

Ms. Poindexter explained the poles or structure to hold the sign or sign panel in place is not counted in the square footage.

Item #10, 11, 12, 13, 14 and 15 are being change to coincide with House Bill 500 that states amendments do not need to go to Stark Regional Planning when the township is home rule.

There was on one in the audience to speak in favor of or in opposition to the amendment.

Mr. Thiel made a motion to approve amendment 637-19 with the modification that maximum wall signage in the B-3 and I-1 district for all buildings will be 400 sq. ft. and Mr. Weston seconded the motion.

The vote was: Mr. Gantz-yes, Mr. Sutter-yes, Mr. Weston-yes, Mr. Thiel-yes, and Mr. Conley-yes.

Mr. Weston made a motion to approve the meeting minutes from the May 16, 2019 meeting and Mr. Theil seconded the motion.

The vote was: Mr. Weston-yes, Mr. Thiel-yes, and Mr. Conley-yes.

Being no further business Mr. Conley adjourned the meeting.

Respectfully submitted,



Joni Poindexter

Jackson Township Zoning Inspector