

Jackson Township Zoning Commission Meeting Minutes
August 18, 2022

Members Present: John Weston
Rich Cosgrove
Justin Gantz
Matthew Sutter
Dustin Wiggins-Alternate Participated in place of David Calevski
Danielle Walton-Alternate-

Zoning Inspector: Joni Poindexter

Absent Member: David Calevski-Recused

5:00 PM Amendment #2022325 – Mark Memmer, 7266 Portage NW, Mass. OH 44646 agent for Vail Capital Group LLC, 7266 Portage NW, Mass. OH 44646 proposes to rezone 6990 Hills & Dales NW, parcel #10000282, consisting of approx.. 4.6 acres located on the south side of Hills & Dales, approx. 175 ft. west of Shellburne from R-R Rural Residential District to R-3 Residential Planned Unit Development District, Sect. 34 NW Jackson Twp.

Mr. Weston read the application into the record and asked Ms. Poindexter for a summary of the property.

Ms. Poindexter explained the property was previously requested to be rezoned to and R-4, in which the applicant wanted to put up a 44-unit apartment building. The R-4 allows 10 units per acre and the rezoning was not based on a specific plan. The proposed rezoning is being proposed for an R-3 Residential Planned Unit Development with 27 attached single-family condominium units. What this means is the plan presented at the hearing goes hand in hand with the rezoning. Therefore, if the Trustees approve the rezoning, the applicant must build according to the plan that is presented at the hearing. Any substantial changes to the plan must go back before the Trustees at a public hearing. With the PUD, the township and residents know what will be built if rezoned.

Mr. Weston asked for those who wanted to speak in favor of the amendment.

Mark Memmer, 7266 Portage NW, stated he is the owner of the property along with his brother. They want to put for sale town homes on the property. He discussed the step down zoning. There are apartments to the west and to the south so this would be a nice step down zoning from the R-4 to the R-3 and then the R-1. They are not the ones who previously requested the R-4. They have seen a lot of requests for this type of product. The units will be around 1650 –1750 sq. ft. with 2-3 bedrooms and priced around the \$300,000 range. The units will be siding and stone and be very attractive. They will be building the structures.

The property is wooded and everything runs toward the retention pond. They would tie into the existing storm sewer drain and sanitary sewer. There is a privacy wall along the western and southern border of the property and they will keep the majority of the trees between the homes along Shellburne and their property. There is also a landscape buffer along Hills & Dales. There will be an emergency access for fire trucks, etc. so there is not just one entrance.

Mr. Memmer stated there is not a lot of earthwork that needs to be done along the east side and they will leave a lot of the trees. There will also be a mound that is usually about 6 or 7 feet high. There will be an HOA with private roads. The mailboxes will be centralized for everyone.

No one else spoke in favor of the amendment.

Mr. Weston asked for those that wanted to speak in opposition to the amendment.

Matthew Tripp, 3363 Shellburne read the purpose of the R-R district and stated there is only one other R-3 that is separated by other R-1's. His property already floods and the low zone is not to the left. It is at the southeast zone. It looks like they are going to put lots 15, 16 & 17 where all the water goes. They are taking away the green space. There is no buffer for them at the back for his property and he will not have any privacy for his back yard. He does not want to be exposed to the condominium buildings. He is worried about the safety because of how the roads are pointed toward someone's house. They are building the maximum amount of units and it is crammed together and they will lose the wildlife.

Mr. Gantz stated the retention will not affect him because they cannot put water onto others property.

Ms. Catrina Tripp, 3363 Shellburne stated her concern is for their children. When they bought their property, the wooded area was the draw. Losing the wooded area to 27 units makes them not want to live there. Hawks Nest was a nice wooded area as well as Perry and Stuhldreher and they hate to lose the wooded areas.

Mr. Phillip Hann, 6955 Red Deer Cir NW stated he has seen a lot of changes along this area. He likes the green space and wooded lots and he encourages the board to not take it away.

Mr. Pete McDaniel 3495 Deer Trace stated he appreciates the board sitting through meetings like this because zoning is important and he thinks that is what has helped make Jackson the lead community in Stark County. He thinks this is a place where people want to live and there is a reasonable well thought out comprehensive master plan. He thinks the board does a lot of good work. He thinks it is time to refresh ourselves as to what the property owners understand and what this community is upholding. They are looking to the board and the trustees that appointed them to uphold the plans. He thinks they need to be in step with the master plan. It is worth thinking about why people want to live in Jackson Township. He thanked the board for what they do.

Denise Cottonbrook 3473 Shellburne NW stated when they moved to their property there was one house on the property. She is in agreement with the others that spoke. She would like to see it go back to that. There has been a lot of changes along Hills & Dales. They are upset about the apartments or condominiums that went in at Brunnerdale and Hills & Dales. They voiced their opinion at meetings about what they wanted, but they does not always get them what they want. She thinks it should stay R-R.

Amy Kunkle, 9077 Traphagen NW stated she owns a similar size parcel about a half a mile from this property and her kids live down the road with their dad so this is a familiar piece of property. She thinks the low, she does not want to say low income, but the smaller higher density pieces of land are kind of starting to group together and some people are starting to refer to the

southeast portion of the township as the slums. In reference to what Pete was talking about with the comprehensive plan, it is like we have a plan so can we just try to stick to it with as to what we want to happen here in Jackson. She feels like putting in twenty-seven houses will add to the slum area. She knows they will be nice houses and cost a lot because that is where the housing is going. With twenty-seven houses on that property, the taxes on that will cost the township money. The twenty-seven houses will cost Jackson Township about \$35,000 in what is not being covered because it is not a single-family home on a single-family R-1 type lot. She pays \$8,000 in taxes on her single family home and they will pay \$1,200-\$1,500 on theirs but they will still have the same draw from our fire, parks and school. This is another reason to not keep adding R-3, R-4 and even R-2's in Jackson Township because of the quality of life we are trying to maintain here. Obviously, he has built a lot of homes in Jackson Township. Maybe we need to talk to the school board about when are the developers going to put money aside for the schools we are going to have to build and other infrastructure. More is not always better and they are not getting much tax dollars for this, so why do we want to flood our schools and township.

No one else spoke in favor of or in opposition to the amendment.

Mr. Memmer stated when a subdivision is put in it has to be approved by the Subdivision Engineers and the Stark County Engineers office with all the storm water calculations. GBC will be doing this up to the standards that is required. All the water has to be retained on the site and discharged into the storm sewer and cannot go onto others properties. It is going to help any flooding that is occurring now because any water from the property will go the retention pond and then the retention pond will discharge it at the appropriate rate into the storm sewer. They have already received a verbal confirmation that the storm sewer can handle it. They already received verbal confirmation that Hills and Dales can handle the traffic. There is a privacy wall between Deer Trace and Hills and Dales Rd. The cost of the units will be in the \$300,000 to \$350,000 range so it is hard to argue that other properties will go down in value. A couple people talked about the comprehensive plan. One of the things the comprehensive plan talks about is step down zoning, which is what they will have. Right now it is not step down. If you go to an R-4 to R-3 and then an R-1 it is step down zoning. The other thing the comprehensive plan talks about is providing a variety of housing for the residents of Jackson Township. Not everybody wants a 2/3 acre lot or to take care of a large yard so this will give them an option. There is a demand for this type of development. This type of development usually attracts older people who do not have kids in school, but they will still pay property taxes for the schools.

Mr. Gantz asked Ms. Poindexter if they could put conditions on the rezoning.

Mr. Poindexter stated no. Rezoning cannot be conditioned.

Mr. Sutter asked Ms. Poindexter if the drive entrance for emergency access has to be paved.

Ms. Poindexter explained that it has to be able to hold a fire truck and zoning does not dictate if it is has to be gravel, pavement to whatever.

Mr. Gantz asked Mr. Memmer if the landscaping could extend along lots 15, 16 17.

Mr. Memmer stated they would probably take it all the way to the property line but there is a sanitary easement there and typically, you do not go over the top of the sewer easement with a

mound and landscaping. He not saying you cannot but typically, Stark County does not want that so if you look where they have the landscaping mound, it goes right to the easement.

Mr. Memmer stated, regarding Mr. Sutter's point about the gravel drive, they have to do it according to what the Stark County Engineers dictates to them regarding the layout, the construction of the road, the storm sewers, access, etc. He did not really think too much about the gravel drive at this point and was more worried about the other issues but they will do it according to what is dictated to them.

Mr. Weston closed the amendment to public input.

Mr. Cosgrove stated they could build nine lots under the R-R and the township would have no say as to the layout. The drainage and other items would still be addressed. They have to contain their water on their property no matter if it is constructed as zoned or an R-3. He is sympatric to flooding but he feels like the builder will handle the water like they are supposed to. There are a lot people that want to live and stay in the community and the housing stock does not allow that to happen. He thinks the property values will go up based on the property. There could be less units on the property. He would like to see the development, if the PUD is approved, but is not sure this is the exact layout.

Mr. Gantz stated Mr. Cosgroves point is well taken. He looked at the step down zoning. If this was to stay R-R, they could put nine homes on the property and they would not have to put in the sewer system, continue the sheet drain and make the situation worse.

Mr. Gantz asked Ms. Poindexter if because this is an R-3, would they have to retain their water on their site.

Ms. Poindexter stated with any development they need to retain their own water on their site and cannot dump their water on another site.

Mr. Gantz stated what he is saying is this will address the water problem. He looked at the step down zoning. It could go to an R-1 and he does not think they could deny that. There could be 13 houses on the property as a step down. They could probably put at least six along the east property line. If developed under regular zoning they do not have to put in buffers, etc. He looks at what could go on the property without them approving the plan. To say a wood lot has to stay a wood lot is a challenge. If this was not next to an R-4 and being surrounded on two sides, he would probably deny the request, but it is next to an R-4. These will be a nice quality product and Memmer is invested in the community. They build nice homes and have nice products.

Mr. Weston stated he knows this is a private owned property and a landowner has the right to sell their home, demolish their home and do something with their land within reason. There is a large farm next to him that is being parceled off and homes are being built. He would rather have a PUD where he is because there is a plan. In looking at the zoning with apartments to the next to it, homes to the right and with the sound wall along Deer Trace, no plan is perfect, but he thinks the plan is a step down and it will be an attractive site and it fits the area. It is true we need more of a variety of houses in the area.

Mr. Cosgrove stated if this approved there is no changing the plan without going through another hearing.

Mr. Sutter stated with apartments on one side and homes on the other he thinks this fits.

Mr. Weston made a motion to approve amendment # 2022325 as requested.

Mr. Gantz seconded the motion.

The vote was: Mr. Gantz- yes, Mr. Sutter- yes, Mr. Cosgrove-yes, Mr.Wiggins-yes, and Mr. Weston-yes.

Ms. Poindexter stated the amendment would go as a recommendation to the Trustees. The Trustees will hold a public hearing on September 13th at 5:00 PM.

Meeting minutes from 9/6/21 and 9/30/21.

Mr. Cosgrove motioned for approval and Mr. Gantz seconded the motion.

The vote was: Mr. Cosgrove-yes, Mr. Sutter-yes, and Mr. Gantz-yes.


Meeting minutes from the 3/17/2022 meeting.

Mr. Cosgrove motioned for approval and Mr. Gantz seconded the motion.

The vote was: Mr. Weston-yes, Mr. Cosgrove-yes, and Mr. Gantz-yes.

Being no further business Mr. Weston adjourned the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Joni Poindexter", with a long horizontal flourish extending to the right.

Joni Poindexter
Jackson Township Zoning Inspector