

Jackson Township Zoning Commission Meeting Minutes
September 15, 2022

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

Zoning Inspector: Joni Poindexter

Absent Member: Matthew Sutter

5:00 PM Amendment #2022511 – Benjamin Hargest, 3755 Boettler Oaks Dr, Suite G, Uniontown, OH 44685 agent for ABC TGAB LLC, property owner, 1247 Medina Rd, Medina, OH 44256 proposes to rezone Parcel # 10013035 Fulton, consisting of approx. 1.36 acres located on the southeast corner of Fulton and Belden Greens from B-3 Commercial Business District to I-1 Industrial District, Sect. 25NW, Jackson Twp.

Mr. Weston read the file application into the record.

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

Mr. Lee May, Site Development Manager for WetGo, 101 Kappa Dr. Pittsburg, PA stated he is representing WetGo. With him is Troy Daniel and Ben Hargest.

Mr. May stated he created a presentation, although it is not applicable. The property is at the south corner of Fulton and Belden Green and it is an out lot. Wetgo entered in the long-term ground lease and they are currently in the due diligence phase. A full development plan was submitted to Stark County Regional Planning. He knows it is totally irrelevant but they want to build a single bay car wash with 2 lanes, 12 vacuum spaces and 5 regular parking spaces. The project was reviewed by RPC on September 6th and has conditional approval. He has a copy of the plan if the board would like to see it. The site is zoned B-3 but as of May 12th of this year a car wash is only permitted in the I-1 district. They would like to change to the zoning to allow for the car wash. In using the I-1 zoning, no variances are need for their plan. Their dilemma is they were negotiating with the landlord early in the year. They did a test fit for the property and pursued with the negotiations. They looked at the zoning book that was amended June 8th 2021 where a car wash was permitted in the B-3 zoning. On March 23rd, they signed an agreement and started their due diligence. They discovered they need multiple variances. In working on the plan, they came up with a one that they liked that did not need any variances. When they were ready to submit the plan they found out there was a change in the regulations and a car wash was no longer permitted in the B-3 district. It is B-3 all around the property. He knows the board cannot consider the specific use, but the plan would have to go through the planning process for approval. They feel it would not affect the adjoining properties. The site is big enough to provide landscaping and buffering. The board's task is to say if the zoning is approved or not. They know the board cannot consider the use or put conditions on the rezoning. He asks for the consideration of the rezone.

Mr. Calevski asked if WetGo is just a car wash or a gas station too.

Mr. May stated they have gas stations and convenience stores at some places but this is different because the car wash is independently separate.

Mr. Daniel, 1599 Sawgrass Dr. Uniontown, Ohio stated the plans went to RPC and conditional approval was received.

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

Mr. Weston closed the appeal to public input.

Mr. Cosgrove stated that he agreed a car wash is not a problem but they have to look at the overall zoning. Once zoned I-1 there could be an adult entertainment, junkyard or scrap yard, microbrewery, etc. and it opens it up to something that they do not want there. He is not in favor of the zoning based on what could end up on the property.

Mr. Wiggins stated if it was microbrewery, there could be explosion factors.

Mr. Gantz explained a slaughterhouse, dangerous and exotic animals, solar energy, etc. could go in there. He thinks their plan makes sense, but the issue is what else could go in there if the car wash decided to back out so that is a challenge.

Mr. Calevski explained they had a meeting regarding the change to the regulations back in March and there was an opportunity for the public to speak at that hearing. He thinks that would have been the time to speak on the matter. He thinks the board hands are tied due to the drastic nature of changing the zoning.

Mr. Gantz stated that maybe the Trustees could be petitioned to make a car wash a conditional use in the B-3.

Ms. Poindexter stated that was discussed when the changes were initiated but it was decided to remove it totally from the B-3 and to only allow the car washes in the I-1.

Mr. Gantz stated the property does not abut any industrial district.

Mr. Wiggins stated it would be spot zoning.

Mr. Weston explained they are a recommending board to the Trustees. The trustees have the final decision. One of the things they look at is the overall zoning. There probably would not be a slaughterhouse on Fulton Rd but they have to look at the different uses that could go there. This is a business and residential use area and the industrial use does not fit and is not a part of the overall plan for this area. This is not step down zoning.

Mr. Cosgrove made a motion to deny amendment 2022511.

Mr. Gantz seconded the motion.

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

Mr. Poindexter stated that usually the motion is made in the affirmative because in the past it was thought that the motion and vote is clarified better per the outcome. She asked for another motion.

Mr. Gantz stated usually the motion is made in the affirmative.

Ms. Poindexter stated she wants to make sure the recommendation is clear for the record.

Mr. Gantz made a motion to approve the rezone as requested.

Mr. Weston seconded the motion.

The vote was: Mr. Cosgrove-no, Mr. Weston-no, Mr. Gantz-no, Mr. Wiggins-no and Mr. Calevski-no.

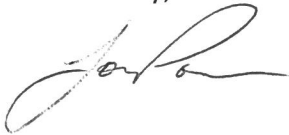
Ms. Poindexter stated the amendment would go as a recommendation for denial to the Trustees. The Trustees will hold a public hearing on October 11th at 5:30 PM. Those that received a notice for this hearing will receive one for the Trustee meeting.

Mr. Gantz made a motion to approve the meeting minutes from the August 18, 2022 meeting and Mr. Cosgrove seconded the motion.

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

Being no further business Mr. Weston adjourned the meeting.

Sincerely,



Joni Poindexter
Jackson Township Zoning Inspector