

Jackson Township Zoning Commission Meeting Minutes
March 28, 2024

Members Present: John Weston
Dustin Wiggins
Joel Blue-Alternate

Zoning Inspector: Joni Poindexter

Absent Member: Rich Cosgrove
David Calveski
Justin Gantz

Mr. Weston acted as Chairman due to the absence of Rich Cosgrove, Chairman, and Justin Gantz, Vice Chairman.

5:00 PM Amendment 20240317 – Partner Land Company, LLC/David Hayes, 5060 Navarre Rd. SW, Canton, Ohio 44706 agent for IRAR Trust FBO Steven Williamson Acct 35-37933, property owner, 1000 Broadway St. Suite 350, Oakland, CA 94607 proposes to B-1 Suburban Office and Limited Business District to R-3 PUD Residential Planned Unit Development District, parcel # 1702617 Dressler, consisting of 9.52 acres, located on the southeast corner of Dressler and Montgomery, Sect. 25SW/25SE Jackson Twp.

Mr. Weston read the file application into the record.

Those that spoke in favor are as follow:

David Hayes, 5056 Navarre Rd. stated they are proposing to change the zoning for town houses. They want to use a portion for the structures and the rest of it as open space. There would be one egress off of Montgomery and an emergency access off of Dressler. The open space is for a buffer zone and the drainage area. The proposed layout follows all the engineering and as traffic studies.

Mr. Weston stated once a PUD is submitted the plan that is submitted is the plan that would have to be built if approved. They received approval for the access drive per the letter in the file and the study shows there would not be increase in the traffic.

Mr. Hayes stated that there are buffers proposed to the east. He left some packets with the adjoining neighbors. There would be an association that would take care of the property.

Mr. Weston stated they are a recommending body to the trustees so they will look at if the rezone makes sense for the area. They look at if it meets the regulations. In this case of an R-3 anything that fits would be allowed, but it is only allowed per the plan that is proposed. So this is a restricted request as opposed to a simple request.

Mr. Blue asked if the maximum acreage built would be 4 acres and if they have 6 units per acre.

Mr. Hayes stated they followed the zoning and there is some open space. If the entire property were built they could get more units but they are only utilizing the acreage as shown.

John Walsh, 565 White Pond Dr., Akron, Ohio stated there is a total of nine acres and they are at 5.7 units per acre. They plan meets the PUD requirements regarding density and there is no open space requirements. This will be phased as a condo project. They will build phase one first and then phase two. The county engineer approved the access off of Montgomery and they are opposed to creating an access off of Dressler except for an emergency access. The B-1 property has set vacant for a long time and he feels this is the best use as people are not building offices anymore.

Mark Cachsney stated this creates a great buffer for the residents to the rear as opposed to a commercial building. The units will be for sale units. There are 9-four unit buildings and one-2 unit building Colonial farmhouse type homes. He thinks there will be a demand for these type of units.

Those that spoke in opposition are as follows:

Gary Thorley, 3976 Lindberg stated that he represents the home owner in the Arbor Creek allotment. This is a retire community with an average age of 72. It is a quiet community. The homes sell quickly due to easy access to businesses and being a quiet community. Arbor Creek has 32 freestanding homes on less than 17 acres. The request is 20 % more units on less than 60% of the acreage. With 38 units and 2 cars per unit there would be 76 addition vehicles leading to noise and congestion. With the congestion any children in the allotment will have limited space to play. Arbor Creek has a retention pond and open space on the east side. With one entrance on Montgomery people would cut through the Arbor Creek allotment. Addition traffic is undesirable for the community and is unfit. The zoning needs to remain B-1. They have no concerns with the business use of the bank that is in the area. All acreage along Dressler is B-1 and they would like it to remain B-1. Mr. Thorley submitted a petition to the board.

Mr. Wiggins asked M. Thorley about the retention pond.

Mr. Thorley stated that the retention pond exists on their property but it does have some steep banks. They have signage regarding the pond and they have a walking path on the open space for people of the development. If there are kids living there they don't think it would be safe with the pond.

Mr. Bill Linden 4675 Jacque stated that Montgomery connecting to other street goes about ½ a mile. The addresses on Jacque transient between Miles and Jacque. They are blessed with seniors, young adults, and school age people. They streets are narrow. His concern is the rezoning might double the traffic through the neighborhood. People will find that they can cut through the neighborhood instead of going out to Dressler. This could be a safety hazard and he respectfully asked that the rezoning be denied.

Holly Sharp, 3105 Market Ave. N stated that she owns the property of Holly Dale farms. Her concern is the neighborhood. They has been a lot of building in Jackson, but what is starting to happen is the wildlife is being pushed onto the farm. They lost 10 acres of corn last year. If you build there the wildlife will be pushed more onto their land. There is also coyotes. There is a culvert that floods regularly as well as the land behind her. If they build more homes it is going to be worse. She thinks they will have less traffic if it stays B-1. They have a lot of trespassers on her property and there will be more if there are more homes. People go onto the land now to fish and this would add a lot more people.

Dave Hench, 3987 Lindberg wanted to know what the cost of the units would be and stated there are high tension wires on the property. He built a house in Carrolton years ago and they had to be 80 ft. from the power lines. He wants to know if they checked with the power company.

Mr. Weston stated they board cannot make a decision based on the cost of units.

Mr. Thorley stated they have someone who does mowing and mulch and it is a beautiful neighborhood. Their homes are well kept.

Mr. Mike Lucas, 3950 Arbor Creek stated the one thing that concerns him is there will be walkers coming through the property.

Ms. Sharp stated they have had several trespassers on their property and the police have been called multi times. You will go from a quiet neighborhood to more traffic and it will change the entire atmosphere of the neighborhood.

Mr. Weston asked Mr. Walsh to address some of the questions.

Mr. Walsh stated there is a major drainage way that goes through the property. This is just the beginning of the journey. If approved it goes to detailed engineering and drainage plans have to be approved and all water must be contained within the property itself. They can't dump any water onto their neighbor. They will have a storm water management system that is regulated by the county and other agencies.

Mr. Walsh stated he didn't know you could go through the neighborhood to get out. Montgomery would have to be used as the entrance. If it is a business they could go through the allotment also. The power line are within an easement and in that the area it cannot be built on. The easement is the only restricted area.

Mr. Cachsney stated that they did a title search and all easements are laid out. The starting prices at their development in Green is \$277,000 with an average of \$300,000 and they expect the same price in this development. Across the nation there is a shortage of housing and they are trying to supply housing for people as owners.

Mr. Weston stated there will be another meeting with Trustees. The Commission is only a recommending body and they will look at it as if they think it will make sense. The Trustees will make the final decision based on the recommendation and if it fits.

Mr. Cachsney stated they met with staff and the township was very specific about access into the property and they received an approval letter for the access.

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

Mr. Weston closed the hearing to public input.

Mr. Wiggins stated he thought it might be helpful to list what could be built in the B-1 district.

Mr. Weston stated it is mostly the smaller office type uses.

Ms. Poindexter read the permitted uses for a B-1 district.

Mr. Wiggins stated the property is long and skinny so a lot of the structures for B-1 would require a fairly larger footprint with parking.

Mr. Weston stated if the soil doesn't work on the far south they could still put some B-1 buildings in there. He thinks a commercial building could have 500 people a day. He looks at the alternative regarding the uses of the property. Most opposition from a residential to commercial is due to more traffic. The total number of units is a lot less that what would be created with commercial. A business would have a lot higher traffic count than 38 homes. In looking at the area he agrees, not to say folks will go out in another direction, but if someone doesn't like to make a left hand turn they might go right to Fulton and come back down. He thinks the zoning is more restrictive because it is a PUD and they know what will be built. If the developer decides not to do this and another developer comes in they still have to build this plan. You don't know what you are getting with a B-1. With this abutting to another development, there is still no other road that goes into their neighborhood.

Mr. Weston stated he would rather have 40 people as oppose to 100's. That is his preference. He thinks the use fits and the property will be developed eventually. One of the hardest things to remember is someone will eventually build on the property. When he looks at the other options, with this plan this is it and it won't change. With businesses, they come and go and can bring more crime to the area than residential with more people coming in.

Mr. Blue stated he thinks this confirms to the land use plan. Streets are suitable. It will be compliance with the regulations. He doesn't think the units will stress out police and fire. It won't be hazardous. He thinks the factors are in favor of the rezoning.

Mr. Wiggins made a motion for approval of the amendment as requested.

Mr. Blue seconded the motion.

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

Ms. Poindexter stated the meeting minutes from the February 15th meeting could not be approved due to a quorum from the meeting are not present for a vote.

Being no further business the meeting was adjourned.

Respectfully submitted,



Joni Poindexter

Jackson Township Zoning Inspector