

JACKSON TOWNSHIP ZONING COMMISSION

AMENDMENT 20250685

TRANSCRIPT OF PROCEEDINGS

The following Zoning Commission Meeting
was taken before me, the undersigned, Deanna Gleckler, a
Registered Professional Reporter, Certified Realtime
Reporter and Notary Public in and for the State of Ohio,
at the Jackson Township Administrative Offices, at 5735
Wales Avenue, N.W., Massillon, Ohio, on Thursday, the
18th day of September 2025, at 5:00 p.m.

1 APPEARANCES :

2
3 ZONING COMMISSION

4
5 RICH COSGROVE - CHAIRMAN

6 DAVID CALVESKI

7 DUSTIN WIGGINS

8 JOSH TAYLOR

9 ERIN DOMENICO

10 JONI POINDEXTER - Zoning Inspector

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MR. COSGROVE: Good afternoon everyone. We're going to get started here. We are here for Amendment 20250685. Vail Capital Group LLC, 7266 Portage, N.W., Massillon, Ohio, 44646, agent for 2820 Farm, LLC, property owner, 6472 Amblerwood, N.W., Canton, Ohio 44708 proposes to rezone RR, rural residential district, to R-3 planned unit development district, approximately 25 acres, known as parcel 1612828 located on the northwest corner of Perry and Brunnerdale, section 34 southeast Jackson Township.

So we're here this evening for a public hearing, so what we're going to do is we will have the applicant come up first. They will present. We will then ask them to be seated. We will ask anybody then in favor of the rezone to come up and speak. We will close that section, ask anybody to come up who is opposed to the rezone. We will then close the public hearing, ask the applicant to come back up. They can address any questions that the Zoning Commission may have and then a vote will be taken. So if you are in favor or opposed, please come up and speak at the podium when you're ready -

1 when we call you rather, I guess - but when you're
2 ready, and you'll state your name and address for
3 the record.

4 okay. So we'll go ahead and have
5 Mr. Memmer or his representation come up and give a
6 talk.

7 MS. POINDEXTER: Mark, make sure that
8 light's on.

9 MR. MEMMER: Okay. My name is Mark Memmer.
10 I'm at 7266 Portage Street, Massillon, 44646. I am
11 presenting here today the project at the corner of
12 Brunnerdale and Perry called Cypress Point. You
13 all have a copy of that. We tried to get it up
14 there so everybody could see, but unfortunately,
15 that didn't work, but at least you have a copy
16 there. We are asking for a rezone of the north
17 property, approximately 25 acres, to go from RR to
18 PUD-3. Last time we were in here there was some
19 confusion on a handful of issues, and so we're here
20 today to clarify the confusion.

21 So we'll start with the site plan. We've
22 got 52 units that we're proposing here. These are
23 detached houses, single-family. We're catering to
24 a 55 and older demographic. We have initial
25 approval from the Access Management Office, and we

1 meet all the regulations for the PUD-3 zoning.
2 Cypress Point is a community where, like I said,
3 we're going to build 52 homes, they're Memmer
4 Homes. We're partnering with Epcon, which is a
5 national brand that specializes in these
6 communities. It's going to be high quality
7 construction. We feel that there's a need for it
8 in this community.

9 These are low profile houses. They're
10 ranch style homes. We're looking to meet a need
11 here. There's a 55 and older demographic that is
12 wanting to stay in the township, potentially leave
13 their larger homes and downsize into homes that are
14 more maintenance free and manageable.

15 There was a couple of issues that were
16 brought up in our last meeting. One was traffic.
17 Based on the Stark County regulations, we have to
18 connect to the neighborhood to the north, which is
19 on Edinburg. There's no way they're going to allow
20 any development to go in this property that does
21 not connect to that parcel, whether it's rural
22 residential, R-1, which is what that neighborhood
23 is, or the PUD-3. It all has to connect to that
24 point. We also have our own main entrance onto
25 Perry Drive.

1 The product we're proposing, which is the
2 empty-nester product, creates 54% less traffic than
3 a standard single-family home in this situation.
4 Empty-nester housing averages five to six trips per
5 day versus the conventional single-family home
6 averages ten trips per day. So when you do the
7 math on that, we're demonstrating here that the
8 traffic coming onto the main road, again, the less
9 trips per day, it basically shows that the traffic
10 issue that was a concern before is probably not an
11 issue.

12 Currently this property is farm land. It's
13 not generating much in tax revenue. It's going to
14 be developed one way or the other. The development
15 that we're putting in we feel maximizes the amount
16 of revenue that's going to go to the local
17 community. We're projecting an estimated \$456,279
18 of annual local tax revenue. 254,000 of that will
19 go to the schools. According to the way Jackson
20 calculates their funding, that's going to fund 26
21 students. Again, with a 55 and older housing,
22 we're looking at maybe one or two students in the
23 school district. So it's a net positive for the
24 school district from that standpoint.

25 Density was a question before. We're

1 proposing 52 units. The PUD-3 for this property
2 will allow for 93, but because this is a very
3 specific, the way that the zoning reads, what we
4 present has to be built exactly the way it's
5 presented, and so the 52 units that you see on that
6 layout is exactly what would be presented to the
7 township for approval and then to the county and
8 that's what exactly we would build. Again, per the
9 PUD-3 zoning, we could put 93 units on there, but
10 we're not choosing to do that because we feel that
11 the layout that we put together, the product that
12 we're putting in there, is best suited for what
13 we've got there.

14 The requirement for this zoning is 15% to
15 remain open. Our project calls for 35% to remain
16 open. Open space. That's 8.25 acres versus the
17 3.4 acres that's required. Property value is
18 another question that came up. The average cost of
19 these homes is going to be around \$550,000. The
20 surrounding neighborhoods average around \$330,000.
21 So when you look at compared to the neighboring,
22 the neighborhood to the north, we feel like it's
23 going to enhance the value of the homes versus
24 detract.

25 There was some question about spot zoning

1 before, and in the township we've got several
2 examples of residential zoning, PUD-3 projects that
3 are within residential zoning. Heritage Park is an
4 example, Mudbrook Village is an example, and
5 Carrington is another example. These are all PUD-3
6 or PRD, which is the same thing, zoning that are
7 all within the community currently. When you talk
8 about spot zoning, spot zoning in my mind is, if
9 you try to take a commercial property and put it in
10 a residential area. What we're looking to do is
11 put a residential area in a residential area, which
12 is what this is.

13 The comprehensive plan that Jackson has put
14 forth calls for a variety of housing. This
15 provides the variety that we feel this community is
16 asking for and needs. We've built a lot of houses
17 in this area over the years, a lot of larger homes.
18 A lot of our customers have come to us recently and
19 said they're looking for this. This is the type of
20 product they want. So we've had a really good,
21 just the working out that this is potentially going
22 in there, we've had a really good feedback from a
23 lot of people in the community.

24 The last thing I'm going to talk about here
25 is the language clarification that seemed to be the

1 hangup the last time we were in here, the word may
2 versus shall. I'm sure that our opponents here
3 will talk quite a bit about that. They did last
4 time. I have an email right here that was written
5 by the law director of Jackson and it clarifies
6 exactly the way Jackson stands on this may versus
7 shall. The word may is a permissive standard. It
8 requires a permissive reading. That means it may
9 be in between a certain district and another
10 district. It doesn't say it has to be.

11 The word shall indicates a mandatory
12 requirement. There's a couple of shalls here. It
13 shall, this community shall or PUD 3 shall go on to
14 a arterial collector or a local street. In this
15 case we do do that. It shall be cohesive with the
16 surrounding area. We have demonstrated that
17 Cypress Point, with its thoughtful design and
18 quality standards, will create a cohesive,
19 attractive and welcoming environment, so we feel
20 like we're demonstrating that very clearly as well.
21 It says the PUD-3 may occur between residential
22 districts and multi-family or commercial districts,
23 but it's not mandatory, and that's where the
24 confusion was at before, and that's where it was
25 thrown out there to try and confuse everybody about

1 it, but it's been clearly stated by the law
2 director that the township, the zoning commission
3 and the trustees all agree on the definition of may
4 and shall in this situation. Any questions?

5 MR. COSGROVE: No. We'll ask some
6 questions maybe perhaps towards the end there, but
7 thank you.

8 MR. MEMMER: Thank you.

9 MR. COSGROVE: Is there anybody in the
10 gallery here that is in favor of the rezoning? If
11 so, please come to the podium, state your name and
12 address for the record. I don't see anybody.
13 Nobody wants to come forward and speak in favor?
14 All right. We'll close that section. Anybody that
15 is opposed to the rezoning, please come forward.
16 Please come forward and speak at the podium, state
17 your name and address for the record.

18 MR. GNAU: My name is Ken Gnau. I live at
19 3170 Glastonbury Circle. According to this map
20 that was sent to me, I believe lot 134 is my
21 property, and I have a couple questions, one being
22 this open space back here. Down off of my property
23 there is a pretty steep decline down back into the
24 woods back there. It looks to me like they're
25 bringing the grade up to match my property and

1 they're also draining quite a bit of water off onto
2 it from what I'm seeing here. My property is not
3 built to take on more water, so that is one of the
4 problems I have with this.

5 Also, this open space back to the south is
6 pretty wet now. They're also draining, that's the
7 low point in that open space. I guess my question
8 is, what does the builder plan to do with the water
9 that collects down there, or what is the township
10 able to do if they don't take care of it, you know,
11 who's going to take care of this thing, to make
12 sure it doesn't turn into something ugly? That's
13 all I have.

14 MR. COSGROVE: Is there anybody else in the
15 gallery that would like to come up and speak
16 against the rezoning?

17 MR. DEVILLE: Good evening. Donald
18 Deville, 2807 Perry Drive, N.W., Canton, Ohio. I
19 have a couple of handouts here, first of which will
20 be readings that I will convey to the board, and
21 the second is an opinion letter. Excuse me. I've
22 got a little bit of a cold, so I may have a little
23 tough time getting through this. I apologize.

24 A very similar amendment was submitted I
25 think approximately a month ago, or it's been

1 longer ago than that. It was currently denied for
2 some of the same reasons that I'm going to propose
3 for you here tonight, first of which is a failure
4 to meet the mandatory requirements of the
5 application as it relates to Jackson Township's
6 Zoning Resolution Section 401.1F. This, again, and
7 Mr. Memmer referenced this, creates an
8 impermissible spot zoning in our opinion. The
9 amendment constitutes spot zoning that abandons the
10 required transitional function of zoning that this
11 township was pretty much formed on from a zoning
12 context.

13 There is, in my opinion, total disregard
14 for density control, which is another primary
15 function of this commission, is to control the
16 density. The density that's proposed, although
17 it's less than what's permissible in an R-3 PUD, it
18 is 100% greater than what is currently zoned in
19 that RR district. It would permit approximately 25
20 to 27 single-family lots as designated by RR
21 regulation. The proposed amendment actually
22 increased from the last time, I'm not sure why, but
23 it has increased to 52 units. So doubling the
24 density in this district. Obviously, which I
25 mentioned earlier, the previous denial, very

1 similar in context, I think it increased because of
2 a text amendment change that allowed apparently one
3 more unit. But, again, another reason the denial
4 is a primary reason that it should be denied again.
5 But one of the primary arguments, again, is what
6 Mr. Memmer referenced, and that is Jackson Township
7 Zoning Resolution Section 401.1F mandates R-3
8 development may occur only when the following
9 conditions are met. This type of development may
10 occur 1, between residential and multi-family
11 zoning classifications, or 2, between residential
12 and commercial zoning classifications, and 3, shall
13 have access onto an arterial collector local
14 street, and 4, as determined to be compatible with
15 the surrounding land uses. I summarized a little
16 bit of that.

17 So in essence, three of these four
18 mandatory requirements are not met. Transforming
19 may into a prohibitive may not. There is no other
20 explanation for may in this if may 1, occur between
21 multi-family and single-family or commercial and
22 single-family. It doesn't meet either of those, so
23 it may not occur. The impermissible spot zoning.
24 This is a classic example, zoning characteristic
25 that should not be permitted. It creates a density

1 island. The R-3 PUD right smack in the middle of
2 RR R-1. That is almost by definition spot zoning.
3 It doubles the density again from 25 to 26 lots
4 allowed in RR to 52 lots in the R-3 PUD.

5 It benefits private landowner rather than
6 public interest. Lacks a comprehensive area-wide
7 planning justification. It abandons, totally
8 abandons, the transitional effect of zoning. The
9 R-3 PUD's core purpose is transitional zoning
10 between districts. Between districts. Jackson
11 Township has eight residential classifications for
12 residential classifications. Exactly for this
13 step-down or step-up, if you may, between
14 districts. The proposed change places the fifth
15 most dense classification, being R-3 PUD, onto a RR
16 residential. So fifth most dense into the least
17 dense district. That is again a spot of R-3 PUD
18 zoning.

19 It violates established neighborhood
20 character and growth patterns. That's not the
21 growth pattern of this area. Not at all. Creates
22 abrupt density change rather than gradual
23 transitions, which is what this commission and what
24 this township is all about relative to the zoning
25 regulations.

1 There are comprehensive planning
2 consistencies. ORC chapter 519 and Jackson
3 Township Zoning Regulations, the ones that I
4 previously cited, they contradict township's
5 long-term planning vision, fail to protect public
6 health, safety and welfare, lacks legitimate public
7 purpose, serves private profit over community need.
8 Incompatible with the surrounding land uses.
9 Inappropriate for the area when considered in the
10 context of an integrated development plan
11 consistent with the PUD concept.

12 Further supporting arguments on our side of
13 the equation, the density and character impact.
14 R-3 PUD allows up to 6 units per acre for attached
15 dwellings and 2.2 units per acre for detached
16 versus the rural residential lot restriction of
17 20,000 square feet. I believe there's inadequate
18 buffer zones, insufficient for the density
19 differential that is being proposed. It threatens
20 existing neighborhoods, the character of existing
21 neighborhoods and potentially property value.

22 There's legal precedent and standards here.
23 Ohio courts require, require legitimate public
24 purpose for zoning change. They prohibit zoning
25 primarily benefiting private interest. They demand

1 consistency with comprehensive planning. That's
2 not what's being proposed here, consistency. It's
3 arbitrary and capricious standard. No substantial
4 change in circumstances justifies rezoning.

5 In accordance with these legal standards,
6 I've also submitted to you this evening an opinion
7 letter from Attorney Mike Gruber, who is here this
8 evening, which he'll go in and explain his position
9 and his opinion on some of these regulations.

10 There are procedural deficiencies that lacks
11 comprehensive planning analysis. According to your
12 comprehensive strategic plan, it creates arbitrary
13 distinctions between similar properties, as was
14 stated earlier. I'm not familiar with those other
15 properties, but it's also been referenced that this
16 R-3 zone change is very similar to one down the
17 street, which quite honestly, I developed, known as
18 Hawk's Nest Crossing. There are no similarities.
19 That property on the corner of Brunnerdale and
20 Hills & Dales is cornered on three sides by R-4
21 PUD, on one side by an R-6 PUD, and I instituted,
22 at the time of that change request, an open space
23 zone on the southern and eastern border of that
24 property. It definitely has no similarities to
25 this zone change request, and I just want to make

1 that clear, but that's where it creates arbitrary
2 distinctions between similar properties. There are
3 no similar properties like this. It fails to
4 analyze the cumulative impacts of the surrounding
5 area, and there's insufficient consideration of
6 section 805.10, the review criteria. If that's
7 looked at very closely, there's insufficient
8 consideration given to that.

9 There's other alternatives that any
10 developer has and the township has for rezoning
11 such as this. 1, it could be developed under
12 current zoning provisions with consideration given
13 to conditional use permits. There are a variance
14 section in your code, obviously that you well know,
15 that can be given for specific uses within existing
16 zoning frameworks. And probably second or third
17 out of these other alternatives is the most
18 difficult, but it's the most important one, and
19 that, if the township wants a zone change, thought
20 process to change in the township, to pick out one
21 section of the code, being R-3 PUD, and try to make
22 it fit into any other conjunction of your zoning
23 code, that's not the way to do it. You need to
24 take a comprehensive look at your overall zoning
25 plan and redo it from top to bottom if that's what

1 is necessary, but you don't take one little line
2 item and try to make it fit into an RR district.
3 But that's the most important and I think
4 community-minded approach that this township can
5 take if that is what you determine is the direction
6 this township needs to take.

7 In conclusion, the proposed R-3 PUD
8 violates statutory requirements, creates
9 impermissible spot zoning, disregards density
10 restrictions and abandons the essential
11 transitional zoning functions. Jackson Township
12 must demonstrate specific public benefit and
13 community interest over private gain while ensuring
14 compliance with your own regulations. I believe
15 this commission correctly denied the previous R-3
16 PUD application and the current request, which is
17 even a higher density, should be denied as well.

18 I thank you, and if you have any questions
19 for me, please feel free to ask either now or
20 afterwards.

21 MR. COSGROVE: Thank you.

22 MR. DEVILLE: Thank you.

23 MR. GRUBER: Good evening. I'm Mike
24 Gruber. I'm a local attorney. My office is at
25 4580 Stephen Circle. As Don said, I represent him

1 in this matter, and I'm aware of that letter from
2 the law director. In fact, the law director and I
3 have had a number of conversations and emails and
4 other things back and forth on this very topic.
5 And you know what, the law director and I agree.
6 We have no disagreements the word may is
7 permissive. That's not the issue, though. The
8 issue, though, is that in the context of the zoning
9 section 401.1F, what does it permit? When you use
10 a permissive word like may, the courts have said
11 that doesn't give the township unlimited
12 discretion. There's a state statute, 519.021, that
13 requires the township to create standards when
14 looking at creating PUDs. The courts have said
15 then the townships have to follow their standards.
16 They can't create the standards and then just
17 ignore them. The courts have also said you have to
18 give the words in these sections their plain
19 meaning and you have to read the section as a
20 whole. When you take that altogether, I think the
21 best analogy, it becomes like a formula. In order
22 to have a proper PUD approval, you need subsection
23 1 or subsection 2, plus subsection 3 and subsection
24 4. If you don't have that, you can't legally
25 properly approve the zoning.

1 what the applicant is asking you to do is
2 to totally ignore subsections 1 and 2. He says,
3 You don't need those. So what if it says a buffer
4 against residential and multi-family or a buffer
5 against residential and commercial. Just ignore
6 that. Doesn't matter. That's not what the court
7 says. You can't ignore those parts of the statute.
8 So if you give the plain meaning, it says the
9 township may permit the R-3 if either it's a buffer
10 with commercial or a buffer with multi-family and
11 it has proper street address and proper continuity
12 with the surrounding areas. And I think if you
13 look at this in a whole, it clearly was created as
14 a buffer district. Otherwise, why do you put those
15 words in there? If you're going to interpret it
16 like the applicant suggested, that means you can
17 just put an R-3 PUD anywhere in the township. If
18 that was the intent and the case, why do you put 1
19 and 2 in there to begin with? It would make no
20 sense to have 1 and 2 in there if the
21 interpretation is supposed to be you can just put
22 this anywhere you want in the county. Or the
23 township.

24 So when you give the words the plain
25 meaning, when you understand that the section has

1 to be read as a whole and you have to follow the
2 township standards that were created and the zoning
3 code, I think it's simple to read it the way it
4 should be read, and that is that this PUD, R-3 PUD,
5 has to be a buffer district between residential and
6 commercial or residential and multi-family. And
7 you don't have that. So under the township zoning
8 code, this is not permissible. Thank you.

9 MR. COSGROVE: Is there anyone else that
10 would like to come up and speak in opposition of
11 the rezone? Seeing none, we're going to go ahead
12 and close the public portion of the hearing and we
13 will ask the applicant or his representative to
14 come back up, answer any questions that were
15 proposed by the gallery folks or anybody on the
16 zoning commission.

17 MR. MEMMER: Okay. The first question was
18 about the water retention. On the map that we
19 proposed to lay out, there will be a retention pond
20 on the east side of the property. It will be very
21 sizable and it will take all of the water from this
22 community and it will drain it to that pond and
23 from there it will slowly release it into the
24 natural pipe and culvert that goes over towards,
25 there's a pond on the other side of Perry Drive and

1 then it goes into the creek that flows along both
2 sides of the property. So the area that the
3 gentleman was referring to, I think it's on the
4 west, the far west end, we're going to -- we can't
5 do anything about the very bottom portion of that,
6 but any water that's part of our community will go,
7 and that's all dictated by the Stark County
8 Engineers Office. So it will be designed by GBC,
9 who's our engineer, and then the county will review
10 it all to ensure that all of that water does go to
11 the retention pond and is discarded the correct
12 way.

13 The other comments about density, RR allows
14 half acre lots. This is a 26-acre piece. So
15 theoretically you could put 52 lots on this
16 property. There's some other standards that we'd
17 have to meet the frontage and whatnot, but
18 theoretically we're not asking for double what is
19 allowed on this property per the zoning. The
20 reason why we're asking for the PUD-3 is because it
21 meets a demand of what people want. They don't
22 want the houses right on Perry Drive. We're going
23 to put a large buffer that goes all along Perry
24 Drive, all along Brunnerdale to buffer the homes so
25 that they're not backed up to these main roads.

1 Both gentlemen spoke again about the word
2 may versus shall. They've both been in clear
3 communication with Mike Vaccaro, who is the law
4 director here. He's made it very clear that the
5 township interprets may as permissive. It's not --
6 we're not ignoring it. Just like Carrington, which
7 has the villas right in the middle of it, Mudbrook
8 village has villas or PUD-3 right in the middle,
9 and Heritage Park, all three of these communities,
10 none of which are surrounded by commercial or
11 multi-family, and they all exist currently and
12 they're all successful, very nice neighborhoods
13 within the township. Those are just three
14 examples. There's other examples as well, but none
15 of those are surrounded by commercial or
16 multi-family and they exist. That's all I have.
17 Any other questions?

18 MR. COSGROVE: I have a couple questions.
19 I would say I don't know that they particularly
20 have anything to do with the rezoning, but I think
21 that as residents in this community, the questions
22 that I would ask you would be, you've mentioned
23 several times about 55 and over. I realize that's
24 your ideal person, but are you going to have this
25 designated by HUD and/or an HOA that it's 55 and

1 over only?

2 MR. MEMMER: There are restrictions, age
3 restrictions on that, but we're not allowed to
4 discriminate, but that is what we're focusing on.
5 So I can't legally answer the exact number of what
6 is permissive versus not, but we are going to gear
7 towards that.

8 MR. COSGROVE: Okay. The other thing that
9 I notice is, there is not a spot for mailboxes or
10 anything like that on all 52 lots. So what is -- I
11 see open space over here. There's no driveways or
12 anything. So what are you doing?

13 MR. MEMMER: Well, all of the mail -- in
14 every new neighborhood now the mailboxes are all
15 the postal boxes.

16 MR. COSGROVE: Yeah.

17 MR. MEMMER: So we'll designate a spot in
18 the neighborhood for those. That will have to come
19 once we finish up the design of the neighborhood,
20 but there will not be individual mailboxes. That's
21 not allowed anymore with the post office.

22 MR. COSGROVE: So, Joni, my question is, if
23 there's not a spot proposed currently in this plan
24 for mailboxes, are one of these lots or someplace
25 allowed to be designated for such use?

1 MS. POINDEXTER: Yes, the post office is
2 the one that dictates where the mailboxes go.

3 MR. COSGROVE: Okay. I just want to make
4 sure I understand. Okay. Thank you.

5 MS. POINDEXTER: Uh-huh.

6 MR. COSGROVE: Okay. Anybody else have any
7 questions?

8 MR. WIGGINS: So they wouldn't be able to
9 sell one of these lots? They wouldn't be able to
10 sell one of the lots, they would have to go to the
11 mailbox and the functional space, you would have to
12 change?

13 MR. MEMMER: Typically, you know, 52, I
14 mean, the boxes are about this big. So there would
15 be a couple of them. Typically in other
16 neighborhoods that we develop, we put them in a
17 spot that's tucked away somewhere so it's not right
18 in the front, but we'll dictate that once we get
19 the final engineering and everything designed.

20 MR. WIGGINS: Just curious.

21 MR. COSGROVE: Any other questions? Okay.
22 Thank you very much.

23 MR. MEMMER: Thank you.

24 MR. COSGROVE: So we will close the public
25 remarks fully then, and the zoning commission is

1 allowed to discuss amongst ourselves, ask each
2 other questions and then make any comments. When
3 we do make a motion, the motion will be made in the
4 affirmative, meaning that we will recommend that
5 the zoning application be approved. That does not
6 mean that when that motion is made, that we are
7 approving the application. That means that that
8 will then call for a vote. We can either say yea
9 or nay. So any questions, comments?

10 MR. CALVESKI: I guess I'd just like to
11 make a comment, and this is kind of what we
12 discussed during the last application, I think it
13 was June or July. I don't know that it's the
14 intent of the zoning regulations for one developer
15 to use it against another. I think they're meant
16 to protect the township residents, my
17 understanding, property residents, yourself. So I
18 guess to some extent it's a moot point, but it's
19 not a coincidence that one developer is using the
20 regulations against another.

21 I think to Mark's point, you know, from my
22 understanding, and I've never been inside a Memmer
23 home, but they seem to be upscale homes. I think
24 there is a need in the community for this type of
25 development, but having said that, Attorney Gruber

1 makes a compelling argument. I think, you know,
2 Joni had emailed the commission. Obviously we have
3 an opinion from Mike Vaccaro, but the word may is
4 permissive, but why list anything? why have items
5 1 and 2 if they have no effect? And so I just, I
6 think -- my position hasn't changed from the last
7 meeting. I was hoping maybe there would be some
8 significant change to what was submitted to the
9 application, but it seems like we're kind of
10 revisiting what we had discussed a couple months
11 ago. So I just wanted to express my thoughts
12 there. I don't know if anyone's got other ideas or
13 thoughts.

14 MR. WIGGINS: I did, but I think you
15 answered them for me. I had marked down, it is in
16 your opinion and your background that the former
17 idea of how to read the passage, how to read the
18 description of the R-3 in conjunction with the
19 descriptions of the other residential portions to
20 be read as a formula, and that's, you know, you
21 would concur.

22 MR. CALVESKI: I would. Otherwise, I don't
23 know why they post 1 and 2. Again, Mr. Gruber and
24 I think Mr. Vaccaro agree may is permissive, that's
25 true, but it's may of 1 or 2 and then shall

1 obviously is a requirement in item 3, but that's
2 just my opinion, there's obviously attorneys who
3 disagree with me, but I feel compelled to stay
4 consistent with where I stood a couple months ago.
5 But, again, I think Mr. Memmer makes, develops, you
6 know, gorgeous homes, high end product. It's
7 needed in the community. I think there's a place
8 for it. I'd like to figure out a way to make this
9 happen at some point in some way.

10 I don't love that we're here with two
11 developers kind of going at each other. I don't
12 think that's in the best interest of the community,
13 but I also, I read the regulations, you know, I
14 interpret them with my own eye, and I think there's
15 a requirement that 1 or 2 be met here. I don't
16 know if that's the case. But again, that's just my
17 opinion. We have multiple members on this
18 commission and obviously we have attorneys on this,
19 too.

20 MR. COSGROVE: Yeah, and I would just say I
21 think that there is public interest for this. I
22 mean, we've had the housing study for Stark County
23 the commissioners had. I sit on that study myself
24 and I would say that this development does fall
25 well in line with what the community constituents

1 of Jackson Township and Stark County residents are
2 desiring at this point in time. I'm not a huge fan
3 of the PUD, but I will also say that it is in many
4 parts of our community, and I think that at some
5 point this will be developed whether we like the
6 PUD-3 or we like it as rural residential or R-1, it
7 is going to be developed at some point, and I would
8 also say that this body is a recommendation. We
9 don't have the final rule and the trustees get the
10 final say. So we could say no, we could say yes,
11 they get the final say. And I think that the
12 trustees also have the ability to come back. If we
13 don't like this wording the way it is now, that
14 doesn't mean that it can't be changed. And in the
15 future, the resolution is the exact same if this
16 gets approved or doesn't get approved.

17 So I think that we are stopping possible
18 housing availability and costs just because we're
19 arguing over the word may when we have precedence,
20 and in the township these already exist, and the
21 community has spoken and said we want these types
22 of homes. So that's what I'm saying. Does anybody
23 else have anything they'd like to share? Joni, is
24 there anything you need to cover or feel necessary
25 to cover?

1 MS. POINDEXTER: Well, with the wording
2 may, that did come before the trustees, and it went
3 back and forth and Mr. Deville argued the point of
4 may, and the trustees had even said at that meeting
5 more or less that this is what it means. It means
6 may. It is not required to go between residential
7 and commercial, residential and multi-family. It
8 can go between them, but it's not required to go
9 between them. And regarding the list that the
10 board has, there is one, two, three, four, five
11 six --

12 MR. COSGROVE: Ten.

13 MS. POINDEXTER: Seven, eight. Yeah.
14 Eight, ten R-3s that totally abut an RR or an R-1
15 in the township. And if the board would like, I
16 could point them out on a map.

17 MR. CALVESKI: But I suspect in those
18 applications there wasn't a room full of people or
19 there weren't advocates objecting to those
20 rezoning. I mean, I think each situation's unique.
21 I understand there are other instances where the
22 board has voted a certain way and there are
23 exceptions to the rule, but, you know, this is, I
24 think each application is unique, and so I don't
25 know whether it's too persuasive, the fact that --

1 so in other words, I voted, maybe I have voted on
2 other ones, but I suspect it wasn't the opposition
3 the way there is today, but regardless, I think
4 ultimately this is the trustees' decision. We're
5 just a recommending body. And my understanding, it
6 was in front of the trustees and all of a sudden --

7 MS. POINDEXTER: No, it never went to the
8 trustees.

9 MR. CALVESKI: That's what I mean, it was
10 supposed to and then for some reason that meeting
11 was cancelled.

12 MS. POINDEXTER: No. Mr. Memmer withdrew
13 it to come back.

14 MR. CALVESKI: All right.

15 MR. COSGROVE: Why don't we close that
16 public portion. Do you have the answer of why that
17 was pulled and brought back? Can we ask?

18 MS. POINDEXTER: Well, you can correct me
19 if I'm wrong, but he wanted to look into and get a
20 legal opinion from the attorney as to may versus
21 shall.

22 MR. COSGROVE: Okay.

23 MS. POINDEXTER: Is that correct, Mark?

24 MR. MEMMER: That's correct, yes. We
25 wanted to, and you just answered it, we wanted to

1 show the precedent has already been set in the
2 township, there are up to ten communities that are
3 PUD-3 that do not reside between commercial and
4 multi-family. Most of them don't. There's very
5 few that actually do. So we wanted clarity on
6 that. We wanted clarity on the language, because
7 that seemed to be what the big hangup was before,
8 and the township, the trustees heard the language,
9 and the legal director's made the opinions. The
10 opposition knows that. It's been cleared up. It's
11 not even an issue anymore. It's been completely
12 cleared. That's why we went through. We wanted to
13 get that clarity.

14 MR. COSGROVE: Joni, do you have the
15 pointer? If I mention these, do you think you
16 could point them out on the map, just for clarity.

17 MS. POINDEXTER: Yeah, just point. Tell
18 what the quarter section is.

19 MR. COSGROVE: 17 N.E., there's Mudbrook
20 Estates and Village, across from Carrington.

21 MS. POINDEXTER: Right.

22 MR. COSGROVE: 19 N.E./N.W. is Rosehill
23 villas. You have 20 N.W. is Waterside Condos, 20
24 S.W., Scotsbury Green, 26 S.W. Glendale Village, 29
25 N.E. Scenic Ridge. I'm going to skip Forest Trail

1 because that is, that in fact does on one side, I
2 believe, touch commercial, so that would not be --

3 MS. POINDEXTER: It doesn't.

4 MR. COSGROVE: It does not?

5 MS. POINDEXTER: No.

6 MR. COSGROVE: Okay. Well, then if that's
7 the case, it would be Forest Trail, 30, N.E., and
8 then Stillwater, which is 34 N.W. Aberdeen, which
9 is 34 S.W. Emerald Estates, which is 7
10 N.E./N.W./S.W., and Heritage Park, which is 8 S.W.
11 So there is precedent. Is there anything else?

12 MR. WIGGINS: My comment on that would be,
13 yes, there's precedent, but is there contextual
14 evidence within the zoning code that points to that
15 idea of why those are there, or within the
16 conceptual plan?

17 MR. COSGROVE: I think we have to be there
18 to answer that question. I don't know whether we
19 can speculate on that.

20 MR. WIGGINS: Right.

21 MR. COSGROVE: I think my question, though,
22 would be, if denied today and this goes back to the
23 trustees and they change the zoning and it comes
24 back again, what does that look like? Are we
25 really stopping the improvement and housing that we

1 need in our community and that residents desire, to
2 stay in Jackson Township, because we have two
3 developers arguing over the word may or the zoning
4 commission saying that if this was not here, are we
5 thinking that this is still spot zoning is my
6 question? Because I think that no matter what, the
7 trustees are going to decide. That is who gets to
8 decide this, and if they feel that what we're
9 reading is incorrect, then they will change it, and
10 I think that we're just going to be back here again
11 in four to six months.

12 MR. WIGGINS: The other comment I would
13 make is that, I think I made this the last time,
14 but from a purely design point, I think it's a very
15 difficult piece of property to develop in general,
16 so I want to respect that to everybody here.

17 MR. COSGROVE: Any other comments? Hearing
18 none, then we just have need to have a motion to
19 approve the rezone. Again, that is not a motion,
20 that's not saying we're approving it. Joni will
21 then call for a vote.

22 MS. DOMENICO: I make a motion.

23 MR. CALVESKI: Second.

24 MR. COSGROVE: Second, thank you.

25 MS. POINDEXTER: Who seconded that?

1 MR. CALVESKI: Sorry. I seconded.

2 MS. POINDEXTER: Okay. Mr. Cosgrove?

3 MR. COSGROVE: Yes.

4 MS. POINDEXTER: Ms. Domenico?

5 MS. DOMENICO: Yes.

6 MS. POINDEXTER: Mr. Taylor?

7 MR. TAYLOR: No.

8 MS. POINDEXTER: Mr. Calveski?

9 MR. CALVESKI: No.

10 MS. POINDEXTER: Mr. Wiggins?

11 MR. WIGGINS: No.

12 MS. POINDEXTER: Okay. Again, this is a
13 recommendation to the trustees. This will go
14 before the trustees on October 14th, I believe it
15 is. Let me look at my calendar real quick. Yes,
16 October 14th at 5:00. Okay.

17 MR. COSGROVE: Do you have anything else,
18 Joni?

19 MS. POINDEXTER: Yeah, the only other thing
20 I have is the minutes from the June 26th meeting.
21 Everyone can vote except Mr. Taylor. I need a
22 motion for those.

23 MR. COSGROVE: Motion to approve the
24 minutes from the previous meeting.

25 MR. CALVESKI: Second.

1 MS. POINDEXTER: Okay. Mr. Cosgrove?

2 MR. COSGROVE: Yes.

3 MS. POINDEXTER: Ms. Domenico?

4 MS. DOMENICO: Yes.

5 MS. POINDEXTER: Mr. Calveski?

6 MR. CALVESKI: Yes.

7 MS. POINDEXTER: Mr. Wiggins?

8 MR. WIGGINS: Yes.

9 MS. POINDEXTER: Okay, gentlemen. That's
10 all I have. And ladies.

11 MR. COSGROVE: Adjourn the meeting. Thank
12 you everyone for coming out.

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16 (Hearing concluded at 5:47)

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C E R T I F I C A T E

STATE OF OHIO)

STARK COUNTY)

I, Deanna Gleckler, a Registered Professional Reporter, Certified Realtime Reporter, and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within Meeting was by me reduced to Stenotypy and afterwards transcribed upon a computer, and that the foregoing is a true and correct transcription of the Meeting so given by him as aforesaid.

I do certify that this Meeting was taken at the time and place in the foregoing caption specified. I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Salem, Ohio on this 25th day of September, 2025.

DEANNA GLECKLER, RPR-CRR, Notary Public
My commission expires 1-6-30