

RECORD OF PROCEEDINGS

MINUTES OF JACKSON TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING

APRIL 7, 2015

Walters called the meeting to order at 6:04 p.m. at the Jackson Township Hall with all Trustees, Fiscal Officer, Lyon, Vaccaro and Poindexter present. He requested that all cell phones be turned off at this time.

The Pledge of Allegiance was recited.

ATTACHMENT 04/07/15 A

Zoning & Planning Department

Continue Public Hearing for Zoning Amendment #616-15. Jamie M. Wittensoldner, Esq. 6370 Mt. Pleasant St. NW, North Canton, Ohio 44720 agent for Craig Snee, Co-Trustee, Nancy Snee, 5694 Shuffel ST. NW, and Wesley & Marcia Snee, 5762 Shuffel St. NW, North Canton, Ohio 44720 propose to rezone approx. 98.25 acres, more or less, from R-R Rural Residential District to I-1 Industrial District located on the south side of Shuffel, north of Strausser, east of Lake O'Springs parcels 1627218, 1620999, 1627220, 1627215, & 1627213 also known as 5335 Strausser, 5694 and 5762 Shuffel NW, Sect. 2SW/2SE Jackson Township.

There were twelve people in attendance and Mr. Snee.

Poindexter: I was just looking at the different uses for the districts and I think a compromise that would be good for the residents and help Mr. Snee is, you know, what Mr. Snee's saying that he would like to do with the property, I think a lot of that could be accomplished under the B-3 zoning so that, you know, maybe something that the Board might want to consider. In the B-3 with a conditional use permit you can do landscaping, composting with a conditional use permit in the I-1, yes, that's permitted as well as the other items that he's doing. But under the B-3 that would also allow protection for the residents as far as buffering and also it would allow Mr. Snee to be able to add additional buildings and get the commercial signage that he would like to have.

Walters: Okay. Well, I think, at least from my vantage point, I think there's a general view that, a desire to help Mr. Snee do the things that he's talked about wanting to do on that property. Which he really basically can't do with the Rural Residential but at the same time continue to protect the neighborhood and the homes there, the neighbors there. I mean, at least looking at it, I think that's a reasonable compromise, I don't know how Mr. Pizzino or Mr. Hawke feel about it and how to go exactly about doing it but that's kind of where I'm starting to (indistinguishable).

Hawke: Well, I think, you know, that's the main goal I think of all of us is to protect the residents in the best way possible and to get Mr. Snee the ability to do business, you know, and grow his business and be a part of this community here in Jackson. If that combination would work to do what he needs to do in a very similar fashion I think that gives a little more protection

to the residents, limits some of the types of uses it could be used for in the future down the road which is always a struggle we would have, not just today and tomorrow, but years and years down the road what's that going to look like for the residents that are there today and those that will be there years and years down the road. So, I mean, I think that's a pretty good what I've seen, what I've done the reading on that seems like a pretty good compromise we could work with. We just have to look that lays out as far as parcels.

Pizzino: Well, when I talked to Mrs. Poindexter, and basically challenged her to give us an idea how we could help both parties and she came up with a map here and we (indecipherable) this map out we (indecipherable) twist this and do what we want with it or change it. This is just her idea of how to accomplish what the residents need and would like see and also to help Mr. Snee in relocating his office to the back side of the property and get the truck traffic off of Strausser and so on and so forth. Why don't you, Randy, (indecipherable).

Gonzalez: Just go lay it on there.

Pizzino: Well, we do need it there and if we could get copies. This is Mrs. Poindexter's, how she laid it out again it could be changed, it could be completely disregarded.

Walters: There you go.

Pizzino: As you can see, the yellow is going to stay R-R in the plan that she's on off of Stausser and basically behind the residences in the Portview allotment. The rest of the property will go to B-3, the only thing in question is the two residential properties owned by the Snee family and his brother. It's pretty self explanatory. Any questions for Joni?

Someone asked about the Heiser property.

Pizzino: What about the Heiser property?

Person in audience: I don't see that there's any buffer for them.

Pizzino: If it's a B-3, we're not going to industrial zoning at this time unless we decide to do that tonight.

Poindexter: What does what mean?

Person in audience: B-3.

Poindexter: Oh, that's commercial business district. That's like your retail in the Belden Village area is zoned B-3. This property here is zoned B-3, so it's more your retail, your offices, things like that. There are some things that you can conditionally do in the R-3 as far as Planned Office Complex, Retail, Funeral Home, Hotel, things like that.

Walters: I don't mind answering the question because, you know, we're just to the point in the procedure where we have to decide what to do. (Indecipherable) answer the question. I mean, I

guess, I mean, I'm okay, I think, with this. The question Mr. Pizzino raised about the residential, the two residential, properties there because then we would create a non-conforming use there. You know, so, I would probably lean towards leaving those as Rural Residential but doing the rest as Joni has laid out here in a B-3. (Indecipherable) the area, think we should.

Hawke: Well, Joni found the correct, I think, and we discussed this but those two parcels are currently R-R conforming.

Poindexter: Correct.

Pizzino: Well, you could leave them R-R and that's what you meant Mr. Walters and then at a later date for some reason it's not being used as a residential property come back. All around it's either industrial or commercial anyway, right? And the property behind that will protect the Portview allotment.

Hawke: The only question I have is that section the L shaped parcel, that one section that's left R-R. That whole parcel is R-R non-conforming if I'm not mistaken.

Poindexter: The big one that says

Hawke: Where we split it off at

Poindexter: You're talking, right here.

Hawke: Yes.

Poindexter: Yes, this portion here is not currently used for his business area and that's why we drew the line straight across here.

Hawke: So, it's not true. So it would stay, but if it's, but the parcel takes the non-conforming use, right?

Poindexter: Right.

Hawke: So if he could use it as non-conforming R-R is what my question is. The way he

Poindexter: He could continue using it as

Hawke: he is using it.

Poindexter: Not according to the aerial views.

Snee: The legal non-conforming use

Hawke: follows the property parcel.

Snee: follows the north south line all the way down to where it joins Portview.

Hawke: Okay, that whole parcel is zoned R-R and if he has non-conforming on one part of the parcel doesn't it make the whole parcel non-conforming?

Unidentified: Yes, I think so.

Unidentified: The non-conforming (indecipherable) around the lane. The whole parcel has

Hawke: That's the parcel number at the Auditor's site.

Snee: It's still split. The L shape is split between non-conforming and not non-conforming. And the line runs north and south

Hawke: Oh, I see what you're saying.

Walters: So basically, you're saying, Mr. Snee, that portion of it right there

Snee: was all the way to the bottom

Hawke: all the way to the

Snee: Yes, there you go, that line, that north south line right there runs all the way to the north.

Poindexter: So he's saying, you're saying it runs straight down.

Snee: Yes, as far as

Walters: Indecipherable.

Snee: As far as (indecipherable)

Poindexter: Oh, I see what you're saying.

Snee: Yes, right there you go. Okay.

Hawke: That's what you would have to do, you would come down and you have

Poindexter: Like this, it would come down like this

Gonzalez: Are you using that part?

Snee: That was the result of the last court case.

Walters: Mike, it sounds like we're kind of muddling to a resolution here. I'm going to need you to help me come up with a motion.

Vaccaro: Okay, once I understand where you're at.

Walters: Okay, (indecipherable)

Walters: Okay, so if I'm hearing the applicant and the way of (indecipherable) has come through discussion, we would as soon as I figure out how to make this motion exactly with Mr. Vaccaro's help. So the one hundred foot buffer would remain here and it would go over right here. This will all remain B-3, Mr. Snee is using this currently here and then this portion would be re-zoned to B-3. So I think that is what I'm hearing from my fellow Board members and I think I would be okay with that. So I'd like to make a motion. Mr. Vaccaro's working on that.

Hawke: The side over to the east I guess that runs along that other piece of property, how much of a buffer space is required under the regulation between a B-3 and that, because that should be R-R, right?

Poindexter: Correct. Yes, you have a seventy-five foot setback for any buildings another twenty foot setback for any parking and then you are required some type of landscaping buffer between residential and commercial whether it be a solid fence, trees, mounding with bushes, something to that effect.

Walters moved and Pizzino seconded a motion to modify the Zoning Commission recommendation to rezone application 616-15 per the map that we have now marked as Exhibit A.

Hawke	yes
Walters	yes
Pizzino	yes

Vaccaro pointed out that the vote to rezone will go into effect thirty days from today and during those thirty days if there are any disagreements the option is to go to referendum. He said he would refer anyone to the Board of Elections for the specific petition and the number of signatures needed on the petition. He said that petition would be filed at the Township Hall and then submitted from the Township Hall to the Board of Elections.

Walters moved and Hawke seconded a motion to go into Executive Session for Township Personnel (Appointment/Employment/Compensation). **3-0 yes**

Walters moved and Hawke seconded a motion to go into Executive Session to prepare for and review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. **3-0 yes**

Walters moved and Hawke seconded a motion to go into Executive Session for Police Department Personnel (Appointment/Employment/Compensation). **3-0 yes**

Walters moved and Hawke seconded a motion to go into Executive Session for a conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. **3-0 yes**

Upon return from Executive Session, Walters moved and Pizzino seconded a motion to adjourn.
3-0 yes

James Walters

Randy Gonzalez