

Jackson Township Zoning Commission Meeting Minutes

October 8, 2015

Members Present: James Conley
Scott Sandrock
David Thiel
Larry Everhard
John Weston
Fredrick Monsell-Alternate Absent
Zoning Inspector: Joni Poindexter

5:00 PM Amendment 622-15 - DeVile Enterprises LLC, Donald DeVile, 4811 Whipple Ave. NW, Suite 101, Canton, OH 44718 agent for property owners, Willmary Investments, LTD, 1004 Overdale Ave NW, Canton, OH 44718 and Joseph & Patty Mahoney, 3500 Brunnerdale Ave. NW, Canton, OH 44708 propose to rezone from R-R Rural Residential District to R-3 Planned Unit Development District approx. 19.96 acres located at the northeastern and at the southern portion of parcel 1607196, and from R-R Rural Residential District to R-4 Multi-Family Residential Planned Unit Development District approx. 18.56 acres consisting of 17.25 acres of parcel 1607196 located at the northwest corner of Hills & Dales and Brunnerdale, 0.60 acres of parcel 1601352 & 0.71 acres of parcel 1601354 located on Brunnderdale approx. 545 ft. south of the southeast corner of Hills & Dales and Brunnderdale, Sect. 35NW Jackson Twp.

See attached transcript in file #622-15 for meeting minutes.

Respectfully submitted,

Joni Poindexter
Jackson Township Zoning Inspector

Zoning Commission Public Hearing

BEFORE THE JACKSON TOWNSHIP ZONING COMMISSION

JACKSON TOWNSHIP, OHIO

APPEAL NUMBER JA #7, 2015

PUBLIC HEARING

The following Jackson Township Zoning Commission Public Hearing 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 Board of Zoning Appeals, 5735 Wales Avenue, N.W., Massillon, Ohio, on Thursday, the 8th day of October 2015, at 5:00 p.m.

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330-966-5571

1 APPEARANCES:

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JACKSON TOWNSHIP ZONING COMMISSION:

4

JAMES CONLEY - CHAIRMAN

SCOTT SANDROCK

5

LARRY EVERHARD

DAVID THIEL

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JOHN WESTON

JONI POINDEXTER - Zoning Inspector

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MR. CONLEY: Good evening everybody. It's 5:00. I'm going to call to order the meeting of the Jackson Township Zoning Commission. Hey folks. Thank you. The agenda for this evening is an application for a rezone. The process that we're going to go through is the same as we always do; I will read the Regional Planning Commission's recommendation, after which I'll open up the floor to public comment, starting first with those who wish to speak in favor of the rezone application, following that, those who wish to speak against, and then if it seems appropriate, which normally it is, to then have the folks who are in favor address any of the issues that they've heard in opposition. At that point, we will close the meeting to public comments, discuss it as a commission and vote on the amendment.

This evening, the young lady to my right, is a transcriber and is recording what we're saying this evening, so even more so than normal, it would be helpful if you remember that the microphone there is what she is going to be able to pick up. And so when you come forward, we ask that you give your name and address and speak into the microphone

1 so that we get a very good transcription of what
2 goes on this evening.

3 This amendment was requested by DeVille
4 Enterprises, LLC and Willmarry Investments. It's a
5 reclassification of land from R-R rural residential
6 to R-4 residential planned unit development PUD and
7 R-3 residential PUD. The property is three parcels
8 totalling 38.52 acres located at the southeast
9 corner of Brunnerdale Avenue and Hills & Dales Road
10 in the northwest quarter section 35 Jackson
11 Township. The RPC's recommendation is approval of
12 a modification. The Regional Planning Commission
13 recommends approval of a modification of proposed
14 rezoning amendment. The modification being to
15 increase the minimum building setback distance to
16 100 feet, between the proposed R-3 PUD district and
17 existing R-R district to the south.

18 The following facts were considered by the
19 Commission in its decision. 1. According to the
20 application, the purpose of this zone change is to
21 build single-family detached condominium units in
22 the R-3 PUD district and multi-family housing in
23 the R-4 PUD district.

24 2. The tract is surrounded by a variety of
25 land uses, including single- and multi-family

1 housing, public service, open space and business.
2 The eastern portion of the tract is located within
3 a 100-year floodplain, which would restrict the
4 amount and type of development in that area.

5 3. The Stark County 2030

6 Comprehensive/Transportation Plan designates the
7 future land use of this area as developed suburban
8 living area and park space. The Jackson Township
9 Comprehensive Plan identifies the future land use
10 pattern for this area as residential.

11 4. There are several multi-family
12 properties surrounding the tract, including
13 Brookshire Hills to the west, and the Fairways
14 property to the north. When the township updated
15 their zoning book in 1979, both of these tracts
16 were rezoned to R-4. A small, multi-family area
17 known as Brookside Condominiums abuts the southwest
18 corner of the subject tract, which was constructed
19 in the late 1970s. The Estates of Glenmoor to the
20 northwest was rezoned to R-6 PUD in 1989. In 2004,
21 the seventy-three acre tract to the northeast was
22 rezoned to R-3 Residential PUD.

23 Number 5. The subject area has been part
24 of 4 rezoning requests over the last several years,
25 the first being in 1988. In August 2014, a request

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1 was made to rezone the 37-acre parcel to R-4. The
2 RPC recommended approval of a modification to
3 encompass a 200-foot buffer along the southern
4 portion of the tract. The township zoning
5 commission recommended denial of the request, and
6 the application was withdrawn before the trustees
7 could act on it.

8 6. In October 2014, a revised application
9 was submitted to rezone 22 acres of the 37-acre
10 parcel to R-4 and the remaining 15 acres to an O-S
11 Open Space District. RPC recommended approval of a
12 modification to widen a portion of the proposed
13 Open Space District to encompass the 200-foot
14 buffer along the southern boundary. The township
15 denied the request.

16 7. In June 2015, a revised application was
17 submitted to rezone the 37-acre parcel, plus two
18 smaller adjacent ones. While the tract totaled
19 38.52 acres, 19.96 acres was proposed to be rezoned
20 to the R-3 PUD District, and the remaining area was
21 proposed to be rezoned to the R-4 Multi-Family
22 Residential District. RPC recommended approval of
23 a modification to encompass a 100-foot minimum
24 building setback distance along the southern
25 portion of the tract. The zoning commission

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1 recommended approval, but the trustees denied the
2 zone change.

3 Number 8. While an R-3 District does
4 create a better land use transition between the R-R
5 and proposed R-4 District, and a 25 foot building
6 setback is shown, staff finds that an increased
7 building setback distance of 100 feet should be
8 established within the southern portion of the
9 proposed R-3 District to provide a larger buffer
10 between the R-3 PUD and the existing R-R District
11 to the south.

12 9. The purpose of the R-3 PUD district,
13 according to the Zoning Resolution, is to "promote
14 the development of attached and detached single
15 family dwellings in an atmosphere which provides
16 flexibility in development where final approval or
17 denial for same is given at the conclusion of the
18 amendment process," and that PUD development will
19 provide for "the promotion and protection of open
20 spaces," primarily by establishing a maximum
21 building and paving coverage of seventy (70)
22 percent. No commercial uses are permitted, and the
23 maximum density for an R-3 detached single-family
24 PUD is 2.2 dwelling units per acre; the maximum
25 number of detached units allowed on the proposed

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1 19.96 acres would be approximately 44. The current
2 proposal shows 23 single-family detached dwelling
3 units.

4 10. The R-4 PUD District would permit
5 attached multi-family dwellings at 10 or fewer
6 units per acre. The maximum number of units
7 allowed on the proposed 18.56 acre R-4 property
8 would be 185 dwelling units (not considering land
9 reserved for roadways). The current proposal shows
10 150 multi-family dwelling units. Under the current
11 R-R Rural Residential zoning, the minimum lot size
12 is 20,000 square feet. Not considering roadways or
13 open space, this would allow for approximately 83
14 single-family units over the entire 38.52 acre
15 property.

16 11. According to the Zoning Resolution,
17 with a PUD zone change request, a general site
18 development plan must also be submitted at the same
19 time, and the approval of one is dependent upon
20 approval of the other. Grading and surface
21 drainage provisions must be approved by the Stark
22 County Subdivision Engineer, and the SCRPC - that's
23 Stark County Regional Planning Commission - shall
24 review the proposed development plan at the same
25 time as the zoning amendment, and make a joint

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1 recommendation to approve, modify or deny both the
2 proposed amendment and general development plan.
3 SCRPC's recommendation for the overall development
4 plan at that point is based on a preliminary
5 review.

6 We'll open the mike for anyone who wishes
7 to speak in favor of the proposed application.

8 MR. DEVILLE: My name is Donald DeVille.
9 Address, 2807 Perry Drive, N.W., Jackson Township,
10 Ohio. With me this evening at the table is Bryan
11 Ashman of Cooper & Associates, who will be
12 reviewing the package submittal in detail. I want
13 to thank the Board again for hearing this request,
14 and as you're aware, as you just read, Stark County
15 Regional Planning approved this request on 9-18
16 from rural residential to R-3 PUD, a modified
17 approval, from R-3 PUD and R-4 PUD.

18 The zoning commission also approved a very
19 similar request back on, this zoning commission,
20 back on 6-18 of this year from rural residential to
21 R-3 PUD and R-4. If you refer to the exhibit
22 that's up on the screen here now, the R-4
23 multi-family residential district portion of this
24 request is the 18.56 acres, it's outlined in blue
25 there, I think, with its legal description, and if

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1 approved, this application would permit and
2 restrict, which is a very important word there, the
3 development to 150 units single -- or I'm sorry.
4 150 multi-family homes as such, that are site and
5 development plan specific. That is a very distinct
6 difference from prior plans.

7 Prior plans, based on Jackson Township
8 Zoning Resolution Book, did not require, nor was
9 even recommended to be submitted, a site plan,
10 because the trustees had, and this commission, had
11 no authority to -- they could review it, but they
12 had no authority to rule based on this site plan,
13 where the new zoning code does allow for that. And
14 that in fact, is the distinct difference, where the
15 old zoning code which is adopted -- was adopted
16 January 16th of 2014, there were no site or
17 development plan submission requirements for the
18 map amendment request.

19 In both prior references, this commission
20 approved those requests. However, the Jackson
21 Township Trustees denied those requests for what,
22 in my opinion, appeared to be, in fact, very
23 distinctly appeared to be the lack of enforcement,
24 review or authority to amend on their part that
25 site plan, because they didn't have the authority

1 to request it, number one, or rule on it, when in
2 fact, that authority was within the zoning code
3 regulations via the Jackson Township Zoning Board
4 of Appeals. They had the very specific authority
5 to review that, amend it, approve it, or deny it.
6 However, the trustees felt that, in my opinion,
7 they wanted that authority. I commend them for
8 that, very honestly, but that was not part of that
9 zoning code. Now it is.

10 If you refer to Exhibit E, and first E,
11 this refers to the overall development plan, both
12 the R-4, which is to the north, and the R-3, to the
13 south, which if you now would flip to Exhibit P,
14 which actually is kind of a blow-up of just the
15 R-4, which is what we're discussing first.

16 MR. ASHMAN: Which exhibit?

17 MR. DEVILLE: P as in Paul. So now that
18 the Jackson Township adopted the new zoning
19 regulations effective June 11, 2015, under which an
20 R-4 PUD classification was adopted, this new R-4
21 classification specifically requires an R-4 site
22 and development plan, as does the PUD development,
23 which we'll get to in a minute. This new R-4 PUD
24 classification places the distinct authority to
25 review, amend, approve or deny any and all site

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1 and/or development plans in the authority of the
2 Jackson Township Trustees. Additionally, if this
3 plan were to be approved, the applicant or any
4 future developer would have to -- would be bound by
5 that site and development plan, unless they
6 submitted something contrary to it, and that would
7 have to go through the same process again. So,
8 this, in essence, if this plan were approved, is
9 the plan, it lives in perpetuity with the ground,
10 unless there was a subsequent request to change
11 that entirely, but if that were the case, it would
12 actually revert back to R-R residential, if there
13 was something contrary to this plan. So the
14 authority is now very distinctly in the hands of,
15 to a lesser degree, I think, this commission, and
16 more so, in the hands of the township trustees.

17 If you could refer back to Exhibit B. This
18 request again includes certain parcels which were
19 included in the prior parcel, but I want to point
20 out the specificity of those particular parcels,
21 because of the fact of the weight that they bear on
22 the access to this property and the adjoining
23 properties. You'll notice in the left-hand corner
24 there, parcel F and G, I am currently under an
25 agreement to purchase those two properties, as well

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1 as H. H is very specifically not in this request.
2 That is going to remain R-R. F and G are part of
3 this request and then there's an additional parcel,
4 I, I believe - yeah, I - which I am in negotiation
5 with the parties that own that ground, but I have
6 not entered into any type of contract, but in
7 either event, if it remains in the hands of the
8 current owner, it's R-R. There is no intent to
9 include that in this R-4 PUD, which is very
10 important to designate because that again, buffers
11 the parcel to the south, which is J, with
12 specifically R-R property there. If again, we
13 can -- well, no. We're on B still. That's fine.
14 And again, very specifically, H is not part of this
15 request. I is not part of this request. Those
16 remain R-R.

17 If we now could go to section Q, please.
18 And if you recall, those parcels I just pointed
19 out, this is where it comes into play with the
20 overall development plan. Prior to the engagement
21 of a contract to purchase those F, G and H parcels,
22 the roadway was originally planned for that area
23 right there. Because of the acquisition or future
24 acquisition of these parcels, it allows for the
25 roadway to be brought down further south and

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1 directly across the street from the intersection of
2 Groton and Brunnerdale. You'll also note there on
3 that entrance drive, which is the primary entrance,
4 the driveway to the north is a double lane drive,
5 this portion of it, is a double lane drive, so that
6 traffic can turn right or left directly, so that
7 it's double width so there can be two cars there;
8 the right-hand lane turns right, the left-hand lane
9 turns left. And the drive to the south of that,
10 the smaller drive, is an entrance drive, so there's
11 only one entrance drive that's applicable in this
12 plan, which is the way it's always been, very
13 honestly.

14 Let's flip now to Exhibit P, and this is a
15 little difficult to see, but I think everybody has
16 a book before them, in note number 4, that's the
17 emergency access right over there, (Indicating),
18 the roadway depicted here is again for emergency
19 access only. And quite honestly, the gate that's
20 shown there is a little too far west and north of
21 where it's going to be. It's going to be right on
22 the property line. Not property -- Well, yeah,
23 what would be the property line separating the R-4
24 PUD from the R-3 PUD. Again, that's gated,
25 emergency access only. There is no R-4 traffic

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1 that goes through there. There is no R-3 traffic
2 that would go north on that street either. That
3 was determined by, not myself, not my engineer, but
4 in discussions with Stark County Regional Planning,
5 this township's fire safety services, to be the
6 best location for that emergency access drive.
7 That's where they wanted it and therefore, that's
8 where we put it, or that's where we're recommending
9 putting it.

10 If now we can refer to Exhibit S, and if
11 I'm, you know, I'm kind of flipping through this
12 rather quickly, so feel free to stop me or ask any
13 questions, as I'll be available afterwards.
14 Exhibit S is the wetlands delineation report that
15 was performed by the Army Corps of Engineers, and
16 it is their jurisdictional determination of
17 delineated wetlands. That's extremely important to
18 remember. Do you have a comment? Again, that is
19 the plan that was submitted to the Army Corps of
20 Engineers, and there's a couple of distinct
21 differences here. You can refer to the isolated
22 areas. Yeah. The smaller areas are pockets that
23 are determined to be isolated wetlands, and those
24 are very specifically called out in that ruling as
25 just that, isolated. They still have to be

1 mitigated, which in essence means that I have to
2 engage a process to mitigate those. You actually
3 do this through the State of Ohio, that mitigates
4 it, and also there's a cost connected to that, so
5 that those are, in essence, isolated, and per the
6 Army Corps of Engineers, they can be built upon if
7 they're mitigated. That's only those small
8 pockets. There's like six or seven of them there.
9 Only those small ones. Everything else from the --
10 from that portion that Bryan's pointing to, all the
11 way down, all those colored areas, all that area,
12 all that area there, those are all wetlands that,
13 in essence, cannot be built upon. I am not
14 projecting to build upon them, and the plan does
15 not outline any buildings in any of those
16 designated areas.

17 Now, we go back to Exhibit P, please. This
18 where it shows, it's showing the wetlands and
19 they're not quite as distinct as on the colored
20 plan, but as you can see, there are no buildings in
21 any of those designated wetland areas. None.
22 Building size is a requirement to submit on this
23 plan, which we have. I just want to review that
24 briefly, and also, first I want to point out, there
25 are obviously two or three larger buildings, which

1 is there, there and there. (Indicating). The
2 three buildings behind those, directly adjacent to
3 those, are the garage stalls for those buildings.
4 There's actually also additional garage space
5 within each of those three larger buildings
6 underneath on the first floor in the rear of those
7 buildings, which is adjacent to the driveway area.

8 MR. THIEL: What about building G?

9 MR. DEVILLE: I'll actually go through all
10 the buildings and their dimensions here in a
11 moment.

12 MR. THIEL: What is it?

13 MR. DEVILLE: What is building G? That is
14 a 34-unit building, which -- in fact, I'll go over
15 that right now. The 34-unit buildings, which is E
16 and G, and -- E, F and G, those buildings are 83
17 by -- I take that back. Those buildings are 85 by
18 259. Those are two and three-story buildings
19 combined. There's a two-story portion of it and
20 there's a three-story portion of that building,
21 containing 34 units. Those buildings will all be
22 less than the 40 foot required height restriction,
23 as defined in the R-4 PUD regulations.

24 The 12-unit buildings, which are A through
25 D, there are four of those, those all contain, are

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1 self-contained relative to garages and parking.
2 There is no detached parking garages with those;
3 only for the three larger buildings. Those are all
4 contained within the building. Those are two-story
5 buildings that measure approximately 83 by 156, and
6 those again are two-story, which will obviously be
7 less than the 40 foot height restriction again.

8 MR. EVERHARD: What was that dimension,
9 please.

10 MR. DEVILLE: On the last three that I
11 pointed out?

12 MR. EVERHARD: Yes.

13 MR. DEVILLE: Or actually four. 83 by 156.
14 And again, those are 12-unit -- each of those
15 buildings are 12 units. Self-contained,
16 direct-access garages. So in other words, they
17 pull into their garage, they have direct access to
18 their unit, they don't have to go outside, they go
19 right into their unit from their garage, both first
20 floor and second floor.

21 MR. THIEL: Isn't building G in the middle
22 of a wetland?

23 MR. DEVILLE: No, it is not.

24 MR. EVERHARD: Pretty close.

25 MR. DEVILLE: That's an isolated pocket,

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1 and that is not in the wetlands. If you want to go
2 back to the wetlands, it's a little clearer there,
3 although the buildings aren't --

4 MR. THIEL: That's what I'm looking at
5 here. What do you mean by mitigated?

6 MR. ASHMAN: The developer has the right to
7 fill the wetlands, on these isolated pocket
8 wetlands, and he creates a mitigation plan that
9 goes and creates other wetlands at a different
10 site.

11 MR. DEVILLE: Those are only the isolated
12 ones, though. There's a very distinct difference
13 between isolated and what are delineated wetlands.
14 The wetlands Exhibit is S.

15 MR. ASHMAN: That is number 7, the little
16 isolated wetland.

17 MR. CONLEY: Bryan, why don't you come up
18 with -- identify yourself, so we know who's
19 talking.

20 MR. ASHMAN: My name is Bryan Ashman. I'm
21 a partner at Cooper & Associates. We're in Canton,
22 Ohio, and I'm the engineer for Mr. DeVille. The
23 wetland that is in question on that building G is
24 this small isolated wetland number 7, which is
25 going to be -- we're going to take it, is what we

1 call it. We take it. We're going to get rid of
2 the wetland, we're going to mitigate for it in
3 accordance with the regulations of the Corps. of
4 Engineers and Ohio EPA.

5 MR. DEVILLE: Again, that's only these
6 small pockets.

7 MR. ASHMAN: It's only the isolated
8 wetlands that we are calling for any impact or --
9 and mitigation.

10 MR. DEVILLE: The building Mr. Thiel was
11 mentioning there is sitting in this area, it does
12 encompass these two little pockets, but not this
13 area here. (Indicating). Again, there's a couple
14 other -- the garage buildings, those are one-story.
15 They measure 40 feet - again, these are approximate
16 measurements - 40 feet by 130 feet. They are
17 one-story. They are accessible from actually both
18 sides, with a walkway in between those areas,
19 lighted walkway in between those areas, to allow
20 for residents not to have to walk all the way
21 around those buildings. There's additionally shown
22 a clubhouse, which is approximately 5,000 square
23 feet. It's a one-story building. Again, less than
24 the 40 foot restriction, as well as the swimming
25 pool area and patio area, which would be developed

1 as planned.

2 If we can refer now to Exhibit O. This is
3 Mr. Ashman's general development plan responses.
4 I'll allow him to, or ask him to, not allow him to,
5 but ask him to comment on those, but without
6 question, all open space, frontage, setbacks, be it
7 the front, side or the rear yard, density, traffic,
8 ingress and egress regulations are all depicted in
9 his responses, and we are all in -- or those are
10 all in compliance 100% with Jackson Township's
11 requirements on a general development plan. And
12 one thing to point out here, too, this is the
13 general development plan as is required by your new
14 R-4 PUD regulations. It also goes through another
15 phase, which is the final development plan that is,
16 again, reviewed in an open meeting format, I
17 believe.

18 MS. POINDEXTER: (Indicating negatively).

19 MR. DEVILLE: No, it's not? Okay.

20 MS. POINDEXTER: No. I review the final
21 development plan to make sure it's in compliance
22 with the general development plan.

23 MR. DEVILLE: The general development plan.
24 So I stand corrected there. And then, Bryan, if
25 you can come up and just make a few comments

1 relative to the Sippo Creek influence data that we
2 have, as well as the traffic data that has been
3 submitted.

4 MR. ASHMAN: Over the past several meetings
5 there's always been a lot -- any time a zone change
6 goes in, we're looking at a higher density type of
7 development, or even any development at all that
8 goes in, there's always a major concern having to
9 do with storm water management, storm water
10 drainage. We, of course, have given some very
11 thorough but preliminary evaluation on our proposed
12 storm water management plans. For example, on the
13 R-4 multi-family development PUD, what we are
14 proposing to do, although we have not worked out
15 the detail specifics for all of the grading aspects
16 that will go associated with the storm water
17 management basins. What I'd like to do is present
18 to you a very brief synopsis of how we plan to take
19 care of some of our storm water drainage.

20 For example, over here to the east of
21 building B, we are going to capture all of the
22 storm water runoff from our entire northern portion
23 of the multi-family development. It's going to go
24 into this storm water management basin. Now, a
25 storm water management basin gathers the water,

1 holds the water and releases it over a long period
2 of time so as not to have a detrimental impact on
3 the receiving stream, storm sewers or otherwise.

4 MR. EVERHARD: These are detention basins?

5 MR. ASHMAN: They can be either a detention
6 basin or a retention basin. A retention basin
7 holds water. A detention basin is dry. Best to
8 remember D for dry, D for detention, but we don't
9 know if this will be a fully dry detention basin or
10 if we'll incorporate some ponds associated with it.
11 The principles are the same. The principles are
12 the same. You have to hold a certain amount of
13 storage of storm water back and release it over a
14 long period of time. If it's a retention basin,
15 it's the, following the story, starts at the water
16 surface and works its way up. If it's a dry basin,
17 it starts at the ground level and works its way up.
18 Discharge --

19 MR. DEVILLE: Just one comment relative to,
20 it's not only Bryan's -- well, it's Bryan's
21 recommendation as to these layouts, but it's up to
22 and determined by Stark County Subdivision
23 Engineering, to be in compliance with what they
24 recommend.

25 MR. ASHMAN: That's correct. The

1 subdivision engineer has to review all hydraulic
2 calculations, all drainage calculations for these
3 developments, and if we do not get approval from
4 the subdivision engineer, the development cannot
5 proceed. So the subdivision regulations of Stark
6 County has specific design criteria that we must --
7 we must design these basins to effectively hold
8 back and handle all storm events between a two-year
9 to a 100-year storm event. That's what's in the
10 Stark County regulations.

11 As I stated, drainage from the area up
12 around building number D is going to go in, and a
13 portion of the dry is right in here, and maybe even
14 some of this drainage of C is going to be coming
15 down into this first storm water management basin.
16 I probably should have colored it in, made it look
17 prettier, but I didn't want it to look necessarily
18 like a pond or grass either way. I don't know yet.
19 Out of this drainage basin here, or going into this
20 drainage basin, all improvements from this area of
21 the development will go into this basin. This
22 basin's going to discharge out of the south end of
23 the structure, work its way to the south, and then
24 head east over into a secondary storm water
25 management basin over here that's kind of in

1 between the wetlands. This storm water management
2 basin will pick up additional drainage from this
3 portion of the development and it will further
4 detain it prior to dumping that water out into
5 the -- onto the ground at this point, whereas it's
6 going to work its way down into these wetlands and
7 then continue off to the east over towards the
8 Sippo Creek.

9 The southeastern portion of the development
10 will go into this storm water management basin,
11 which will then discharge into this wetland area
12 here, which contains, with its drainage heading
13 towards the east into the Sippo Creek drainage
14 area. We have on the R-3 PUD area, which -- in the
15 R-3 PUD area, all of the drainage off the full
16 development here on the west side is going to be
17 consolidated in two storm water management basins;
18 one located right down here, which is south of the
19 existing storm and sanitary sewer easement,
20 bisecting the property, and the northern portion up
21 in here will go into this storm water management
22 basin in here.

23 Drainage from this storm water management
24 basin will be discharged into the existing storm
25 sewer that is -- that heads on down and discharges

1 into Sippo Creek. But again, none of the drainage
2 coming off our site will leave the site without
3 going through the storm water management basin
4 prior to discharge.

5 This storm water management basin here will
6 discharge into the wetland area to the east, which
7 again, it works its way over towards the Sippo
8 Creek drainage basin.

9 MR. DEVILLE: I might also mention on those
10 drainage basins and how the water gets there. The
11 surface water being off the streets and that, and
12 the grassy areas, I guess the most important thing
13 is all the buildings, both multi-family and
14 single-family, will all be piped to a storm sewer
15 system, which he referred to, this is one of the
16 lines up here, so it's not just surface water
17 running off those roofs, it's all piped into
18 downspout drains below grade into the storm sewer
19 system that eventually makes its way down to those
20 storm sewer management basins and then out into the
21 creek.

22 MR. ASHMAN: What I'm presenting here is a
23 copy of the Federal Emergency Management Agency,
24 FEMA, it's the floodplain map for this particular
25 area. The proposed development is located -- this

1 is Brunnerdale right here.

2 MR. SANDROCK: Bryan, just for the record,
3 what exhibit is this, please?

4 MR. ASHMAN: This is not in the exhibit
5 book that you have.

6 MR. DEVILLE: We'll submit this this
7 evening.

8 MR. SANDROCK: That's fine. Thank you.

9 MR. EVERHARD: You do have a drainage area
10 plan, and it's under --

11 MR. ASHMAN: Yes, I'll get to that.

12 MR. EVERHARD: Okay.

13 MR. ASHMAN: All I wanted to do, is this is
14 a federal available map, and I wanted to present to
15 you where the floodplain limits is for the Sippo
16 Creek basin, okay? So Brunnerdale's here, here's
17 Hills & Dales, Everhard goes up this way. This is
18 the limits of the floodplain that is associated
19 with Sippo Creek, which comes down this dark blue
20 line. The floodplain, what that indicates is the,
21 that is the government predicting the 100-year
22 elevation of water. The limits of inundation
23 caused by a 100-year storm from the Sippo Creek.
24 And as you can see, it works considerably over to
25 the west, off of Sippo Creek, and it gets very

1 close to residences that are right down here on --
2 what is this one?

3 MR. DEVILLE: That's Dellwood.

4 MR. ASHMAN: Oh, yeah. Up against the --
5 come right up to the rear of the homes on Dellwood,
6 very close to those homes. I just wanted to
7 present it. That's not a drawing that we created
8 or anything. All I did was put some -- I just
9 printed it off the Internet site for that
10 floodplain map.

11 MR. EVERHARD: Bryan, on the proposed
12 property, there's a line running from the north to
13 the south.

14 MR. DEVILLE: Are you referring to that?

15 MR. EVERHARD: To the left. Keep going to
16 the left. Keep going. Right there. (Indicating).

17 MR. DEVILLE: Right there? (Indicating).

18 MR. EVERHARD: That's the easement, the gas
19 easement?

20 MR. ASHMAN: That is the gas easement.

21 MR. DEVILLE: Right.

22 MR. ASHMAN: To put you in perspective.

23 MR. EVERHARD: That's what I was asking.

24 MR. ASHMAN: Now, we've also represented on
25 our improvement plans the floodplain limit --

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1 MR. DEVILLE: Here's the easement again.
2 There's only this building. On the east side of
3 that, the floodplain.

4 MR. ASHMAN: The floodplain limits are --

5 MR. DEVILLE: Here it is.

6 MR. ASHMAN: Okay. Right here are the
7 floodplain limits as per that designation. This
8 dashed line on Exhibit Number J. And I expect it's
9 on P also?

10 MR. DEVILLE: Yes, it is.

11 MR. ASHMAN: Yes. That's way over here
12 against this east side.

13 MR. DEVILLE: And those are 100-year
14 floodplain limits.

15 MR. ASHMAN: Those are based upon that
16 floodplain map that was prepared by FEMA.

17 MS. POINDEXTER: Excuse me, Bryan. Can we
18 mark that as Exhibit Y, since there's not a Y in
19 the book, and have a copy of that for the record?

20 MR. DEVILLE: Absolutely.

21 MR. ASHMAN: Yes.

22 MS. POINDEXTER: Thank you.

23 MR. ASHMAN: Also, with respect to the
24 Sippo Creek, we have represented -- we've
25 represented by this drawing, and present -- this is

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1 an overview drawing of our portion of Jackson
2 Township. Brunnerdale and Hills & Dales is
3 right -- the intersection's right here at this
4 corner. The subject property for the zone change
5 request, both the R-4 and R-3, is highlighted by
6 the pink, and what this map tells us is that this
7 is the approximate drainage basin area coming into
8 the Sippo Creek, and that drainage basin area is
9 approximately 3,000 acres. And the reason I'm
10 presenting this is, there might be some people in
11 opposition that say we're going to be causing an
12 awful lot of flooding with our proposed
13 improvements, and I am contending that we are going
14 to be detaining our storm water, holding it back
15 for our acres of development that we have, and
16 flooding that is currently existing and will
17 continue to exist beyond our development is caused
18 by the 3,000 acres of drainage that's coming down
19 Sippo Creek, and we can't do anything with that.
20 This would take a county-wide or township-wide or a
21 Muskingum Water District Shed determination to
22 establish major retention or detention within --
23 somewhere within the proximity of the improvements.
24 MR. DEVILLE: And our effect on that is
25 minuscule.

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1 MR. ASHMAN: Our effect on that is going to
2 be negative because we are putting in our own storm
3 water management practices, the detention basins or
4 retention basins, whichever one we are going to do.
5 So I wanted to present that. Drainage is a very
6 big issue. I take it very seriously. And it will
7 be prepared with detailed calculations and reports
8 that are submitted into the subdivision engineer,
9 and without, as we've stated previously, without
10 his approval, none of the improvements can be
11 constructed.

12 MR. DEVILLE: And we'll submit this as Z,
13 because I don't believe I have this in the folder
14 either.

15 MS. POINDEXTER: I believe that's in there.

16 MR. EVERHARD: It is in there.

17 MR. DEVILLE: Oh, I do have that. That's
18 right.

19 MS. POINDEXTER: That's under T.

20 MR. DEVILLE: Okay. Good.

21 MR. ASHMAN: Another point, when you look
22 at an engineer's input to a development of this
23 nature, we have several design aspects -- several
24 design responsibilities, concerns that we address,
25 and storm water drainage being probably one of the

1 most dramatic, but we also have other issues that
2 we're concerned with and has to do with like
3 wetlands or hybrid soils or buildable areas, soil
4 compresent strengths, building strengths for the
5 foundations and things of this nature.

6 In addition, we are concerned with the
7 impacts that the development will have on the
8 traffic patterns in the area. What I have here is
9 a, this is a map of the system-wide analysis study
10 for Stark County roadways, and specifically what
11 I'm trying to show is that this is the area where
12 we are located. Right here is our site. This is
13 Brunnerdale here, and this is Hills & Dales. This
14 is the Village of Hills & Dales over here. What we
15 have is, we have this, our roadway, which is
16 Brunnerdale, is designated as a green line
17 indicator, and as a green line indicator gives us a
18 level of service as being a C. And in their
19 regulations they talk about the various levels of
20 service, and F is, it's just like a report card; C,
21 well, it's average. It does have traffic, but it
22 is not -- the traffic capability of the roadway has
23 not been exceeded, and it can handle additional
24 traffic. E gets a little bit worse and F means
25 that it's a very critical road as far as the amount

1 of traffic that it is experiencing. The A and B
2 series are indicating that there's very minimal
3 concern with any traffic because there's -- it's
4 more of a minor roadway and doesn't have the
5 traffic patterns that are atypical.

6 In addition, we have talked to the Stark
7 County Engineers office, and the Stark County
8 Engineers office has indicated to us that there is
9 no real traffic problem at Brunnerdale. Yes, we
10 know that there are times and conditions when the
11 traffic is pretty busy out there at Brunnerdale and
12 Hills & Dales. This could be caused by numerous
13 different events. It can be caused by the manner
14 in which the lights are sequenced. It could be
15 cause perhaps that the county may determine that
16 additional turn lanes may be needed, say, at
17 Brunnerdale and Hills & Dales in order to allow the
18 traffic to flow better. But with respect to their
19 current plans, they feel that the traffic is
20 manageable to handle the proposed development that
21 we have.

22 MR. EVERHARD: Bryan, when was this plan
23 developed; recently or --

24 MR. ASHMAN: It was -- no. It was back
25 about, I think it was back about five or seven

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1 years ago. I'd have to check. It's not within the
2 last couple years.

3 MR. EVERHARD: Okay. Do they update these
4 plans?

5 MR. ASHMAN: Yes, they do. This has not
6 been updated since this preparation. One of our
7 concerns having to do with traffic was certainly
8 the fact that if we could bring our traffic out at
9 the intersection of Groton, I think, across from
10 Brunnerdale.

11 MR. DEVILLE: Yes. Yes.

12 MR. ASHMAN: Groton. If we could get our
13 traffic from the proposed development out onto
14 Brunnerdale and align with Groton, it provides a
15 much better means of access for traffic control.
16 Not that we have to have any stoplight or anything
17 there, but it prevents having two opposing
18 entrances which may have conflict in the way the
19 traffic can progress. And for that reason,
20 Mr. DeVille purposely acquired these properties
21 that he had discussed, the two properties to the
22 south, in order that we could get this traffic
23 entranceway aligned with Groton going onto
24 Brunnerdale, because we want all of our traffic to
25 be entering and exiting at that location.

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1 Mr. EVERHARD: Bryan, another question.
2 The state, when they have a major intersection or
3 major roads like Wales and Fulton, and if you want
4 to intersect anywhere through that major
5 intersection, they require a setback before you can
6 intercept that road. Is there any requirements?

7 MR. ASHMAN: Stark County -- if I
8 understand you correctly, there is a subdivision
9 regulation stipulating that a road, our
10 entranceway, would not be permitted if we were
11 closer than 150 feet to a -- if we were offset from
12 Groton, like this, (Indicating), we would have to
13 be offset from Groton at least 150 feet, or 150
14 feet offset from Hills & Dales. If we align with
15 Groton, everything is fine. So the subdivision
16 regulations do have a mandate on that.

17 MR. DEVILLE: And I think, if I can clarify
18 that a little bit, too, Brunnerdale is a county
19 road?

20 MR. ASHMAN: Brunnerdale is a county road.

21 MR. DEVILLE: Where Wales is a state route,
22 right?

23 Mr. EVERHARD: State route. That is true.
24 That is true. And these, what I was citing, was
25 state regulations.

1 MR. DEVILLE: Right.

2 MR. EVERHARD: And I knew the county had
3 regulations, but I wasn't sure the actual numbers.
4 That's why the question.

5 MR. ASHMAN: The state has regulations on
6 that too. They're even a little bit more specific,
7 a little bit more conservative, meaning you have to
8 have greater distance.

9 MR. EVERHARD: Distance, correct.

10 MR. DEVILLE: We'll actually, this is not
11 in your packet either, so we'll submit that at the
12 finalization of the meeting as Exhibit Z, but I'd
13 like to leave it up front here in case anybody else
14 wants to refer to it.

15 MS. POINDEXTER: You already have an
16 Exhibit C.

17 MR. ASHMAN: This one.

18 MR. DEVILLE: Z.

19 MS. POINDEXTER: Oh, I'm sorry. I thought
20 you said C.

21 MR. DEVILLE: Z as in zebra. So we'll have
22 Y and Z. And those were -- well, doesn't matter.
23 Those were submitted with prior plans, but we'll
24 resubmit here.

25 A little bit about the buildings and just

1 very briefly, and I had mentioned this before, but
2 the building concept design for this R-4 PUD
3 portion of the request is being developed by the
4 nation's number one multi-family architectural
5 firm. In fact, not only the nation's; literally,
6 they are number 1 in the world for multi-family.
7 So I'm not taking this project lightly, as I'm sure
8 you've already come upon that. These units, the
9 multi-family units, are going to range in square
10 footage from, again, these are approximate numbers,
11 from 850 to 1200 square feet. Could be a little
12 bit more than that. Not less, very honestly. They
13 won't be less than that 850. With rents ranging
14 in, and again, this hasn't been a definitive number
15 yet, but rents are going to range from probably 850
16 to 1500 to \$1600 per month.

17 Again, I also pointed out to the clubhouse
18 and the pool area. This is distinctively
19 classified as a class A multi-family project.
20 Class A references the age of the building's
21 obviously being new, also the amenities, the
22 upscale nature of the rents, square footage,
23 parking, garages, direct access. Everything about
24 this complex, very honestly, is a class A
25 designation. I realize that doesn't mean a lot,

1 but it's not -- the only other two classes are,
2 very honestly, B and C. This obviously is class A.
3 The development is -- this is just the R-4
4 development, is estimated to be at between 25 to
5 \$30 million. That's just for the multi-family.
6 That will generate, the conservative number being
7 25 million, will generate \$600,000 annually in
8 property taxes, which a good portion of that
9 obviously goes to Jackson Township, as well as
10 divvied up however the county does it. Ten years,
11 \$6 million, ladies and gentlemen. That is not
12 something that we can look away from.

13 I'm going to move to the R-3 section at
14 this stage of the game. If we can, refer back to
15 B. Again, the overall plan, showing the R-3, 19.96
16 acres, this is actually identical to the former
17 request. There really haven't been any changes,
18 but I'll briefly go through what those amenities
19 are. It obviously borders the R-3 portion, which
20 is single-family detached condominiums, and the
21 total number of 23 in that, what did I just say,
22 19, almost 20 acres, abuts entirely all the rural
23 residential land with the exception of the one home
24 on Brunnerdale.

25 If we can go to E first and then J. E,

1 again, is just the overall plan showing, again, the
2 relationship of multi-family to -- I mean, the R-4
3 PUD to the R-3 PUD and how they align there.
4 Again, those are described parcels, with legal
5 descriptions, so they are actually deeded that way,
6 or will be deeded that way. Now, if you flip to J,
7 which is the blow-up of the R-3. Again, 23
8 single-family homes in that allotment. We have
9 discussed this before, but I'll review it briefly.
10 The kind of yellow, orange-ish area represents each
11 one of the homes. The gray area outside of that is
12 the developable portion of that, what we're
13 proposing as a developable portion so that we can
14 basically allow some flexibility there, which is
15 what the R-3 PUD is all about, a little bit of
16 flexibility, to shift those homes left to right,
17 front and back. They all still, no matter where
18 they fall within that gray, shaded area, they are
19 still well within all the other restrictions
20 relative to setbacks, side yards and everything
21 relative to the R-3 PUD regulations.

22 Mr. EVERHARD: Question.

23 MR. DEVILLE: Yes.

24 MR. EVERHARD: Will they be different in
25 character or will they all be the same little box?

1 MR. DEVILLE: No. They will be
2 distinctively different, and we can refer back to,
3 I think I brought that -- give me one second.

4 MR. ASHMAN: I just made it easy and put
5 boxes there.

6 MR. DEVILLE: What was that?

7 MR. ASHMAN: I just made it easy by putting
8 boxes.

9 MR. DEVILLE: Okay. Yeah. While we're on
10 there, Bryan's referring to a rendering. Yeah,
11 right here, that section. Well, here, I'll flip to
12 that. That is the end view of, this is a
13 multi-family building, and again, this is a picture
14 of an existing building, very similar to the one
15 I'm having designed, it's not fully designed yet,
16 on the multi-family, the two-story, twelve-unit
17 building. That's an end view of that. You can see
18 the garage here that's going into that, and then on
19 the other side of that there's garages that go in
20 there. These are all entrances around this side
21 and all the way across the front, and the other
22 side of this building mimics this side. Obviously,
23 I think, a very attractive building. Flip to --
24 and I'll submit these. Those aren't in your
25 packet, but I'll submit those too.

1 There they are. Now, these are, again,
2 these are just renderings of a potential plan.
3 That's not to say they're going to be identical to
4 this, but that is one concept plan, that's a ranch
5 style unit. That is a two-story style unit of a
6 concept of what will be there. So they'll be --
7 it's one thing that will be consistent, and I'll
8 call this out in the PUD allotment plan, and that
9 is, that materials will be specified in the general
10 description of this plan, so that if one building,
11 in other words, I'm not going to have 23 different
12 styles of roofs. Those will be consistent. The
13 building design is very flexible, and I'll have
14 probably three or four or possibly five different
15 types of plans, floor plans, in addition to that.
16 Additional.

17 MR. EVERHARD: That answers my question.

18 MR. DEVILLE: Right.

19 MR. EVERHARD: So you're not going to build
20 23 units like --

21 MR. DEVILLE: No, not identical to one
22 another, and not boxes by any way, shape or form.
23 These homes, very honestly, with the nature of
24 construction costs today and, very honestly, some
25 comparable developments that are not only in town,

1 but around the county, these homes will range
2 between, and again, these aren't definitive
3 numbers, but they will range between 250 and
4 probably \$325,000, which equates to another, over
5 ten years time, in taxes, another million and a
6 half dollars.

7 MR. THIEL: These are all rentals?

8 MR. DEVILLE: No. No. These are not
9 rentals. These are condominium units that are
10 going to be sold. These single families or condos
11 are going to be sold.

12 MR. SANDROCK: And do you plan them to be
13 owner occupied?

14 MR. DEVILLE: Do I -- I'll be selling them,
15 so --

16 MR. SANDROCK: I'm sorry. Let me just
17 phrase that again. You would plan, as part of the
18 condo restrictions, that they would have to be
19 owner occupied?

20 MR. DEVILLE: Yes, absolutely.

21 MR. SANDROCK: As opposed to investor owned
22 and leased?

23 MR. DEVILLE: Absolutely.

24 MR. SANDROCK: Thank you.

25 MR. DEVILLE: Again, if we can refer to

1 Exhibit J, this simply depicts where the gated
2 access is, again, to the north, abutting the
3 multi-family property. It's just a different view
4 of it. And the one thing I have -- well, this is
5 an exception. J, go ahead and refer to J.

6 MR. ASHMAN: We're looking at J.

7 MR. DEVILLE: Oh, I'm sorry. Go to K.

8 This is the, again, rendering that I had developed
9 relative to the landscaping plan, showing the open
10 space, showing the trees, much of this, I mean,
11 this area within the single-family development will
12 be actually trees and landscaping that is put into
13 place. All the others outside there, which is part
14 of the wetlands and that, is all existing. That is
15 all treed, highly so right now. All this will be
16 added through here. There's a buffer area required
17 in your restrictions that requires a landscape
18 buffer. That is what's being depicted here. All
19 the way around there into the entrance. One
20 important thing, a couple important things to point
21 out, we did eliminate a house from the southwest
22 corner of the development, which is actually right
23 adjacent to the incoming street of Trillium, I
24 believe, that ties into the one, there's actually
25 two points of access into only this R-3 PUD

1 development. Trillium and Dellwood is basically
2 kind of a U shape circular motion through there, so
3 that only those 23 homes would be accessed through
4 those two points of access.

5 One thing that I did not show, now, I've
6 got to find the right, on the R-4 plan, is my --
7 the overall landscape plan. There it is. That's
8 showing the overall concept plan, including the
9 landscaping. You'll notice that the area that
10 Mr. Everhard mentioned, that easement down through
11 there, the reason there's no trees in there is, I'm
12 not permitted to put any trees, because of the East
13 Ohio Gas, the easement going through there.
14 Everything else is developed. We left -- developed
15 and landscaped. We left this area open again,
16 somewhat, that could very well be treed, but I
17 projected a border around there and a buffer, but
18 again, it's left open. There's only four homes
19 that abut, those one, two, three, four over here,
20 five homes. Actually, six homes, that are there.
21 Anyway, there's only four homes along that southern
22 border. There's only three homes along the western
23 border that abuts these three, four, five parcels
24 that are right there. Again, very minimal as far
25 as exposure goes, to the existing rural

1 residential.

2 MR. WESTON: And What was the setback
3 between the R-3 and the Springdale Allotment?

4 MR. DEVILLE: Between the R-3?

5 MR. WESTON: Yeah, just north of that
6 allotment, between those three homes and the four
7 condos.

8 MR. DEVILLE: Well, we're showing 25, which
9 is the minimum, and that's the zoning line.
10 However, our houses are anywhere from probably
11 closer to 40, to when you get down to the end,
12 number 4, probably closer to 60 feet, from that
13 line. Refer back again to this plan. I also
14 wanted to point out, the distance between this
15 building, which is one of the multi-family
16 buildings, up to the rural residential district,
17 which is, if you could scale that off,
18 Mr. Engineer. That's approximately 550 feet is
19 what it is between the existing rural residential
20 and the multi-family, the first building. If we go
21 up to the other building off of Hills & Dales,
22 which probably you can't see from here, you've got
23 to go to multi-family, that building there, which
24 one of the larger buildings, and I'll point out
25 that this --

1 MR. ASHMAN: That one?

2 MR. DEVILLE: Yeah, that one there, all the
3 way up to the right-of-way line or whatever.

4 MR. ASHMAN: 260.

5 MR. DEVILLE: Approximately, again, 260
6 feet. Now, let's take an angle measurement from
7 here to that property. Well, actually, all the way
8 over to our property line, which is there.

9 MR. ASHMAN: That's the R-3.

10 MR. DEVILLE: Right, that's the R-3. So
11 all the way over to the property line.

12 MR. ASHMAN: 340 feet.

13 MR. DEVILLE: 340 feet between the closest
14 building to the existing home, building and corner.

15 MR. ASHMAN: Property line.

16 MR. DEVILLE: Right. Of the property line,
17 to the existing R-R property line. And that is all
18 intensely wood, all of it. There were projections
19 and conjecture about, you know, building homes up
20 in this area and abutting right up against that,
21 including all the other properties. That is not
22 the case. That was never the case. This is a
23 definitive plan that displays that.

24 MR. WESTON: Thank you.

25 MR. DEVILLE: I guess I'll wrap up my

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1 comments here relative to the direction of the
2 demographics, again, of Stark County, Jackson
3 Township, and very honestly, the country, relative
4 to this type of development. It is unquestionable
5 that this is the direction of development, not only
6 in Jackson Township, but also throughout the
7 country. It's not the 5,000, 6,000 square foot
8 homes. It's backing way off that. All the
9 projections, all the facts determine that. That's
10 not conjecture from me. That is fact. It's
11 unequivocally, and I haven't even touched upon
12 this, the highest and best use for this property.
13 I mean, ladies and gentlemen, there is -- this is
14 surrounded by multi-family as far as the
15 multi-family portion of this property. I can name
16 any number of allotments in Jackson Township
17 currently that are rural residential, that are
18 abutted by not only multi-family on two and three
19 and four sides in some cases, but also, R-3 PUD.
20 This is totally encompassed by an R-3 PUD, up
21 against an R-4. I mean, up against rural
22 residential. Unequivocally a transition between
23 rural residential and what is depicted in your
24 code, not only code, but also your 30-year
25 Comprehensive Plan, as it's to remain residential.

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1 That is what this is. And there can be no better
2 buffer than doing nothing at all, which is what my
3 opposition wants, but in fact, this ground will be
4 developed.

5 With that, I'll reserve any final comments
6 to towards the end of the meeting. Thank you.

7 MR. CONLEY: Make sure I understand --

8 MR. DEVILLE: I'm sorry.

9 MR. CONLEY: -- a couple of things.
10 Ingress and egress to the R-3 PUD is Dellwood and
11 Trillium?

12 MR. DEVILLE: Correct.

13 MR. CONLEY: Ingress and egress to the R-4
14 is Brunnerdale through the property that you're
15 going to acquire or are under contract?

16 MR. DEVILLE: Correct.

17 MR. CONLEY: As designated H and I, I
18 think; is that correct?

19 MR. DEVILLE: That is correct.

20 MR. CONLEY: The R-3 units are intended to
21 be owner occupied?

22 MR. DEVILLE: Correct.

23 MR. CONLEY: The R-4 will be --

24 MR. DEVILLE: Multi-family.

25 MR. CONLEY: -- DeVille? Will they be

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1 DeVille development properties?

2 MR. DEVILLE: DeVille Apartments and
3 Builders, yes.

4 MR. CONLEY: DeVille Apartments and
5 Builders. So DeVille Apartments and Builders will
6 own the R-4 units; is that it?

7 MR. DEVILLE: Yes.

8 MR. CONLEY: Any questions?

9 MR. THIEL: No.

10 MR. SANDROCK: No.

11 MR. WESTON: No.

12 MR. EVERHARD: I have one question.

13 MR. DEVILLE: Sure.

14 MR. EVERHARD: There was mention about a
15 management building or unit. Will you take one of
16 the units and that would be the office?

17 MR. DEVILLE: No. No. We have the
18 clubhouse, which is depicted right on this plan.

19 MR. EVERHARD: Okay.

20 MR. DEVILLE: That's a 5,000 square foot
21 clubhouse, including the management offices. This
22 will be, and I didn't mention that, so I appreciate
23 the question, this site will be fully staffed;
24 leasing agents, managers, maintenance personnel,
25 mainly because of the fact of the number of units,

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1 it makes sense to put staff on site there to take
2 care of the residents, in addition to, obviously
3 the pool area. That is one of the qualifying
4 factors of a class A development, multi-family
5 development is just that.

6 MR. EVERHARD: Okay. And I --

7 MR. DEVILLE: So that -- Go ahead.

8 Mr. EVERHARD: I just saw that you had
9 noted in there there would be a management facility
10 on site, but you just answered my question.

11 MR. DEVILLE: Yeah, that is the management
12 facility. Thank you.

13 MR. EVERHARD: All right.

14 MR. CONLEY: I'm sorry. The 23 R-3 units
15 then, they will be, for want of a better term, an
16 allotment?

17 MR. DEVILLE: Well, it will be a
18 condominium association.

19 MR. CONLEY: Condominium association.

20 MR. DEVILLE: Which I have to submit,
21 correct me if I'm wrong, I have to submit those
22 proposed --

23 MR. CONLEY: Bylaws, rules and regs.

24 MR. DEVILLE: Bylaws and everything else.

25 MR. CONLEY: Everything.

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1 MR. DEVILLE: And as the development
2 begins, that is managed by the developer, myself,
3 and then as those homes sell out, that eventually
4 gets turned over to the single-family homeowners in
5 that condominium association.

6 MR. CONLEY: Okay.

7 MR. DEVILLE: And those are all controlled
8 by, what you just mentioned, bylaws. So
9 regulations on -- and also, the other thing that's
10 very important about that is, that's not a --
11 within those bylaws, it will encompass all the
12 management of the lawn care, snow removal, so it's
13 not 23 single-family homes that everybody mows
14 their yard on a different day. It's all meticulous
15 managed, done at the same time, managed by the
16 association, myself at the outset, and then the
17 homeowners as a whole when it's sold out, take over
18 that management and budgetary responsibilities of
19 that -- of that association.

20 MR. CONLEY: Thank you.

21 MR. DEVILLE: Thanks.

22 MR. CONLEY: Is there anyone else who
23 wishes to speak in favor of the proposed amendment?
24 All right. We will hear from those who wish to
25 speak in opposition. I'm sorry. Hang on just a

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1 second.

2 MR. SANDROCK: Mr. DeVille, I thought I'd
3 ask you now in case someone else asks you.

4 MR. DEVILLE: Okay.

5 MR. SANDROCK: Regional Planning had
6 included in their comments a suggestion about
7 expanding the buffer, and I thought I'd give you an
8 opportunity at least to comment on it before the
9 other folks said anything.

10 MR. DEVILLE: Sure. And this goes back a
11 couple revisions ago, but the initial
12 recommendation was for a 200 foot setback buffer,
13 and this has been amended to the modification
14 request of this proposal, which I believe is now
15 100 foot. I'll be quite frank with you. I'm not
16 sure their analogy on that. I don't know of
17 another rural residential, an R-3 district or even
18 R-4, or other types of classifications that have
19 anywhere near that type of -- it comes under the
20 zoning regulations, and I think a portion of that,
21 in their minds, and I posed that question to them,
22 but very honestly, those meetings are somewhat,
23 they've already made their determination before
24 those meetings, and I did at the very first one
25 question that, but in fact, in my opinion, that was

1 somewhat designated because of the, if you notice
2 on one of the plans, there's a sanitary sewer
3 easement that kind of dissects that portion right
4 there between the -- well, it actually dissects
5 the -- Bryan, can you show that on the one plan. I
6 think that's what they were trying to encompass in
7 the first forum, they felt that was a delineation
8 point.

9 MR. EVERHARD: I think there's a
10 twelve-foot sanitary easement on the north and
11 south.

12 MR. DEVILLE: Yeah, that orange one there
13 is a sanitary sewer and storm sewer easement. I
14 forget how wide it is there, but --

15 MR. ASHMAN: 50.

16 MR. DEVILLE: 50 feet. And it also runs up
17 along the western portion of the property and then
18 ties into Brunnerdale, and the storm sewer all
19 comes down through there. The measurement from the
20 R -- the rural residential, up to that, if I
21 recall, is approximately 225 feet. So what they
22 did in their first recommendation, and this goes
23 back a ways, was to allow for that 200 foot, I
24 think encompassing that, saying that, well, there's
25 already a sewer line in there, why not just break

1 it there. I can't say that for fact, but that's my
2 analogy of their equation.

3 Other than that, to be quite honest with
4 you, if that were developed -- Keep in mind that
5 there's only -- they require or ask for the
6 modification of 100 feet. There's only four homes
7 within that first 200 feet. If that were, remained
8 rural residential, there could be that, and
9 actually, there could be five homes in there, very
10 honestly, if that were developed. So there would
11 be more homes in there than what's projected right
12 now if it were under the current zoning. I would
13 have that flexibility to put that there because of
14 the 20 -- is it 20,000 square foot lots, I believe,
15 of 90 foot width? 100 foot.

16 MS. POINDEXTER: 100 foot width at the
17 setback.

18 MR. DEVILLE: Right. So I'm not sure, to
19 answer your question, what their analogy was on
20 that. My only reasoning could be that if that
21 formed a dissecting of the property there, and they
22 just suggested that. I'm not sure why.

23 MR. SANDROCK: I guess, just to be a little
24 clearer, there again, I realize their suggestion is
25 not binding on you, it's not the law or what have

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1 you, their suggestion of 100 feet at least for the
2 present time, you're somewhat disinclined to alter
3 from the plans that you submitted?

4 MR. DEVILLE: Right.

5 MR. SANDROCK: All right.

6 MR. DEVILLE: I feel this is a very good
7 plan with only 23 homes.

8 MR. SANDROCK: All right. Thank you.

9 MR. DEVILLE: We actually eliminated, and
10 to further that point, we eliminated this plan use
11 to show 26 original homes, and then we eliminated
12 those three, just because of some other things, and
13 having the one home right up against there and it
14 dissects that gas easement again. So it's 23 the
15 way it is right now.

16 MR. SANDROCK: Thank you.

17 MR. DEVILLE: Thanks.

18 MR. EVERHARD: Before you leave, gentlemen,
19 I apologize.

20 MR. DEVILLE: That's alright.

21 MR. EVERHARD: But on your submittal view,
22 which shows the existing Springdale plat.

23 MR. DEVILLE: Right.

24 MR. EVERHARD: In red it says the 12 foot
25 utility, which is at the north end of those four

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1 homes, a 12-foot utility easement.

2 MR. DEVILLE: That, I believe, is a power
3 line easement.

4 MR. EVERHARD: Okay.

5 MR. DEVILLE: I believe. Now, I'm not --

6 MR. EVERHARD: It's not defined in the
7 document. That's the reason I asked.

8 MR. DEVILLE: No, it's not.

9 MR. ASHMAN: It's written in red as being a
10 12 foot utility easement.

11 MR. DEVILLE: Again, this was actually
12 printed off the county records. I just submitted
13 that --

14 MR. EVERHARD: Which dates back to 1956.

15 MR. DEVILLE: Right. Right.

16 MR. EVERHARD: Joni, are you aware of
17 anything?

18 MS. POINDEXTER: No. For that utility
19 easement, no.

20 MR. EVERHARD: No. Okay. Thank you. I
21 appreciate it. Thank you.

22 MR. STOCKTON: My name is Richard Stockton
23 and I live at 3344 Trillium. Zoning Commissioners,
24 this is the fourth petition for rezoning that the
25 applicant has submitted on the subject parcel over

1 the last sixteen months. This process has more
2 than inconvenienced the opposed members from the
3 community to the point that it feels like a
4 repeated siege. Many of us who strongly oppose
5 this rezoning do so at the expense of our daily
6 lives. We've invested so much of our time, arguing
7 against an ill-suited project to be located on an
8 ill-suited parcel of land. The same issues of
9 concern raised by the community over the last
10 sixteen months still remain, and in some cases they
11 have been exacerbated. Our community has serious
12 concerns over traffic and safety, increased
13 potential for flooding, loss of green space and
14 lack of an adequate buffer to the adjacent
15 community.

16 In addition, there will be increased stress
17 on township resources, such as police, fire,
18 safety, schools and roadways. Further, factor into
19 the mix this massive project's private roadways,
20 several garages, a clubhouse with renters,
21 community pool, space for garbage collection,
22 complex outdoor lighting and outdoor parking. The
23 bottom line is, this project just doesn't fit. Our
24 community has made it abundantly clear, we are
25 against this type of development. We do, however,

1 favor development in accordance with the current
2 R-R zoning. Keep in mind, that development is not
3 necessarily inherently good. There are many
4 examples where development has not been good for
5 the community, and this is one of them.

6 Your recommendation, followed by the
7 trustees' ultimate decision, will have irreversible
8 impacts felt by the community. Our community
9 respectfully requests that the zoning commissioners
10 consider all of the related concerns identified by
11 the community when evaluating this fourth attempt
12 at rezoning. Do not simply rubber stamp the
13 recommendation by the RPC. This community
14 rightfully expects a thoughtful decision. Thank
15 you.

16 MR. CONLEY: Thank you. Any questions?

17 MR. CHIUDIONI: My name is Ernest
18 Chiudioni, 3265 Cornwall Drive, N.W. Speaking just
19 on my behalf, I don't know if there's such a
20 problem with the R-3, with the single-family
21 developments; I think a lot of people have a
22 problem with the R-4 and the multi units, okay.
23 DeVille, his reputation and everything that's put
24 out, shows that he puts a lot of time and effort
25 into building quality units. I would question the

1 traffic pattern, because I don't know how you can
2 get out of that allotment without a traffic light
3 where he has his exit there, because there's a lot
4 of traffic as you get closer to Hills & Dales,
5 okay. But from the previous meetings I've been to,
6 and I don't like to speak at this stuff, a couple
7 of them made an impression on me. One of them was
8 a gentleman who stood up and he said, You don't
9 build this in Jackson because it's not Jackson.
10 It's not the personality of Jackson. And then
11 someone else stood up and showed the pictures
12 across the street, of those multi units and all the
13 cars and so forth that would park there. And then
14 another gentleman from Akron, a policeman, stood up
15 and he said, I have a job in Akron, but I live with
16 my family in Jackson and there's a reason for that,
17 and the reason is, because I want my kids to be
18 exposed to the surroundings that Jackson Township
19 provides. And that's pretty profound when you
20 think about it. And I went and did some checking.
21 North Canton has 21% renters in their community,
22 and their violent crimes is 24.5%. Jackson
23 increased to 23% and lo and behold, their violent
24 crimes increased to 36.2%. Canton City, 49%
25 renters, 73.7 violent crimes. There is a

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1 relationship between those two. So it is a tax, I
2 mean, a time factor for the police, obviously for
3 the fire department, and being an educator, for the
4 school system. That doesn't mean all renters are,
5 you know, do violent crimes. There is a
6 relationship between those two and it affects all
7 of the community. That's all. Thank you.

8 MS. POINDEXTER: Excuse me. Sir, could you
9 spell your name for the court reporter, please.

10 MR. CHIUDIONI: Just like it sounds.
11 C-H-I-U-D-I-O-N-I.

12 MS. POINDEXTER: Thank you.

13 MR. DEMANGEONT: My name's Joe DeMangeont.
14 I live at 5866 Heather Street, N.W. Relative to
15 this proposed development, that's at the bottom of
16 the hill, I've got a couple of questions for you
17 all, and I've got a couple of comments. The
18 questions are for all of you relative to the
19 process that you go through in evaluating any given
20 application, but in particular, this one. In
21 reading the application, I note that in the law
22 requires certain things be considered because it's
23 a planned unit development, and there's all sorts
24 of documentation in here to indicate what those
25 things are, like, will the streets be suitable and

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1 adequate to carry anticipated traffic, is the
2 drainage okay, will the vehicular approaches to the
3 property work, be safe, and so on, so forth.
4 There's several more. My question to you all is
5 this. With regards to our Jackson Township zoning
6 laws that cover this development, other than
7 receiving testimony from individuals like me, or
8 the developer, do you on your part independently
9 investigate whether or not a given development, in
10 this case, this development, fits the criteria, or
11 do you just take in testimony?

12 MR. CONLEY: We're not -- We don't respond
13 to questions, Joe, but let's say part of our job is
14 to consider the issues for planned unit
15 development. So the short answer is yes, but --

16 MR. DEMANGEONT: Okay. Well, that's all I
17 wanted, a yes or no. And another question, you can
18 respond to it or not. The Stark County Planning
19 Commission, when we went to the hearing, we asked a
20 question, if the Stark County prosecutor, civil
21 division, had rendered a legal opinion on the
22 legality of extending Dellwood and Trillium and
23 allowing that condo development to dump in to our
24 neighborhood, and at that point in time, when they
25 went over it, they said that yes, they had asked

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1 for the opinion, but no, they hadn't gotten it and
2 no, that they called the prosecutor, but had heard
3 nothing. It's been months and months and months
4 since that opinion was requested. I wonder, has
5 anybody heard about that?

6 MS. POINDEXTER: Do you want me to respond
7 to that?

8 MR. CONLEY: (Indicating affirmatively).

9 MS. POINDEXTER: I can respond to that.
10 What they checked into was, if there was a
11 restriction on the plat that would restrict that
12 access, and there was no restriction on the plat to
13 restrict that. Therefore, those streets can
14 connect. Nowadays a lot of plats that you have,
15 they do put restrictions on them that do not allow
16 a private street to connect into a public street.
17 However, when the Springdale allotment was
18 developed, that was not a restriction on the plat.
19 Therefore, they cannot restrict that.

20 MR. DEMANGEONT: Did they talk at all about
21 allowing traffic to move from a R-3 into an R-4
22 neighborhood, or R-4 residence? An R-R residence?

23 MS. POINDEXTER: Well, that's a private
24 street into a public street, which again, there's
25 no restriction on the plat, so there's nothing to

1 prevent that.

2 MR. DEMANGEONT: And that's what the
3 prosecutor said? Did they write something up?

4 MS. POINDEXTER: That's what I was told by
5 Regional Planning, that there has to be a
6 restriction on the plat in order to restrict that,
7 and there was none.

8 MR. DEMANGEONT: The prosecutor hadn't
9 written an opinion on that?

10 MS. POINDEXTER: I don't know of any
11 written opinion from him.

12 MR. DEMANGEONT: Okay. These are questions
13 I have that I'm asking you all to consider in your
14 evaluation, and I just jotted them down as we were
15 listening to Mr. DeVille's presentation. And by
16 the way, I want to compliment Mr. DeVille on his
17 presentation. We've been here like four times, and
18 this is the best one yet. There was no name
19 calling. There was no nastiness. It was a nice
20 presentation. So my compliments to him. I'm still
21 against the project, though. Questions. You know,
22 what will the buildings look like? Now,
23 Mr. DeVille presented a few pictures, but that's
24 not in the proposal. We don't know yet what it
25 will look like from the plan view, that they're

1 required to submit. Now, it could be a prison for
2 all I know. Who knows what it's going to look like
3 from the road? Same way with the condos. We have
4 no idea what the look of it's going to be, other
5 than a bunch of squares on a flat piece of paper.
6 I think that's very, very important. And no
7 assurances under law as I know it that, other than
8 trusting what Mr. DeVille says, that he's got some
9 designer somewhere that's got a good reputation
10 going to design this thing, we really don't know
11 what they're going to look like. So, you know,
12 what are they going to look like?

13 The other question, and this is serious,
14 flooding, there's a lot of problems with this, but
15 I'm going to limit my comments. Flooding is a real
16 concern of ours, especially us down at the bottom
17 of the hill. Now, in Mr. DeVille's presentation he
18 showed the floodplain, but did you notice that some
19 of the retention ponds, one at least, is right in
20 the middle of the floodplain? Now, ask yourself
21 this. We don't worry about floods when it's not
22 raining. We worry about floods when it's flooding.
23 If that floodplain is flooded and the retention
24 pond is in the floodplain, where's all that water
25 going to go that that's supposed to catch when it's

1 full of water? Think about that. So I question
2 the validity of that plan just from a common sense
3 point of view. If all your retention ponds to
4 catch water is in -- not all, but some are in the
5 middle of a floodplain, they're not going to do any
6 good when there's a flood. We're not worried about
7 a spring rain. We're worried about flooding. So
8 that's a question I have.

9 Another question relative to the water.
10 Mr. DeVille mentioned the law with regards to
11 mitigating the wetlands, and what that means in
12 plain language is, they can dig it up, get rid of
13 it, and the law says they can do that, fill it in,
14 whatever, but then they have to go someplace else
15 and create something pretty similar to it. That
16 means that they could go to the southern part of
17 Jackson Township or wherever, I believe in the
18 county, and create another wetland like it. They
19 just replace it. Well, here's a question for you.
20 Those little isolated areas that he showed you are
21 uphill, all those little areas, and this is just
22 from my personal observation, they are wetlands
23 why? Because they contain Artesian wells. Water
24 flows up and percolates through them and then flows
25 downhill and goes into the wetlands.

1 A couple questions. What happens to the
2 water when he fills in the hole? It's going to go
3 somewhere. Do you know where? Do you know where?
4 Conversely, let's say he's successful in filling in
5 the Artesian well, and there's three or four of
6 them out there, and no water goes downhill, what's
7 going to happen to the wetlands? Because contrary
8 to what they say, Sippo Creek, all of Sippo Creek
9 does not flow down through those wetlands. Most of
10 the wetlands - most, not all - are created by the
11 water that's flowing down those hills, mostly from
12 those Artesian wells, and it just percolates down
13 into there. If you get rid of those Artesian
14 wells, you're going to get rid of the wetlands.
15 You are. Because without water, you don't have
16 wet. So that's a question. I think it's a
17 significant question.

18 Finally, I noticed, and this is just a
19 comment, I think for the R-3's, the valuation of
20 what Mr. DeVille wishes to build is 250, 325K
21 houses. That's about what houses are going for in
22 that area. That seems reasonable. It doesn't
23 strain credibility. But to say that that seven or
24 eight buildings are going to be worth, this is the
25 commercial part, are going to be worth \$25 million,

1 that's like \$3 and a half million per little
2 apartment building. That to me strains
3 credibility. I think those estimates of what taxes
4 are going to be generated by that commercial part
5 of the development are way, way exaggerated.
6 Again, common sense. Ask yourself, you know, put
7 the seven or eight, \$250,000 homes together to
8 accommodate the same number of people that are
9 going to be in those, each one of those apartments,
10 it doesn't add up. It just doesn't add up to \$25
11 million. So that's a thing I'd like you all to
12 consider. And as far as these places reflecting a
13 trend to smaller family houses, that's true. In
14 our neighborhood, the Springdale neighborhood, we
15 have smaller family houses. We're saying let's
16 build the same. That's good. It reflects the
17 trend too. Do great big old condos reflect a
18 trend? Or not condos, but do great big old
19 apartment buildings reflect that trend? I'm not so
20 sure. But I do know that houses like ours, ranch
21 houses with spacious yards and the like, that
22 reflects the trends. They're not big mansions or
23 anything like that. Why not continue with the R-R?
24 That makes good sense to me.

25 And finally, I sum up by saying there are a

1 ton of problems with this development, much too
2 numerous for me to go into here, but I just
3 encourage you all to look past the gloss of the
4 presentation. His presentation was pretty good.
5 Sounds good. But there's a lot of issues
6 underneath that when looked into more than just a
7 surface glance, are very, very concerning and will
8 create a ton of trouble for us in our neighborhood,
9 but for the community as a whole. So I hope you
10 consider that, and if you do, I hope you vote
11 against it. Thank you.

12 MR. CONLEY: Thank you.

13 MR. MILLER: Dave Miller, 5804 Hills &
14 Dales, N.W., Canton, Jackson Township. I usually
15 get up here just about every time we come and it's
16 the same thing. Nothing's changed. We're opposed.
17 The reasons why. Traffic, flooding. Especially in
18 my circumstance, flooding. I'm the one who has the
19 corner house at the top, to the north, and there's
20 a ditch there where these waste water, these storm
21 water management basins, are going to tie into the
22 one central basin, according to Mr. Ashman's plan,
23 and that's where they're going to percolate out.
24 That's going to go directly into the ditch.

25 MR. SANDROCK: Could we ask a favor,

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1 Mr. Miller, if we could put the drawing back up.

2 MR. MILLER: Yeah, that would probably be
3 helpful.

4 MR. SANDROCK: And that way --

5 MR. MILLER: Sure.

6 MR. SANDROCK: -- we kind of know where you
7 are and which way we're flowing, if that works out.
8 I think either -- anyone that you want to use is
9 fine.

10 MR. MILLER: Yeah. I could flip it back.
11 Thank you. Okay. This one here, this is about my
12 property here. This red line is actually a, it's
13 called a ditch. Sippo Creek proper is over here,
14 and this goes into the ditch, flows into the ditch,
15 flows out from somewhere over by Glenmoor.

16 MR. DEVILLE: The cross line is the
17 property line.

18 MR. MILLER: Yeah, but it's also the ditch
19 I'm referring to, okay? So this flows under the
20 road and then flows into the -- the creek would be
21 here, this ditch would be like right here, and then
22 this red line right here picks up the actual
23 contour of the creek, okay, and then it flows down
24 and hits into the Sippo Creek down here. So that's
25 where I'm located at, and we can see that the exit

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1 of this storm water management, this comes in and
2 ties into this one, this comes in and ties into
3 this one. So this is the central location here,
4 and this is where the discharge is going to be. My
5 concern is, we're going to let that percolate out.
6 We don't have defined whether they're wet or dry,
7 and this is the first time we've heard this.
8 Before they were always dry. Now they could be
9 wet, they could be dry. I understand the concept,
10 the water goes in and when it reaches a certain
11 level, it exits out. It's allowed to stay in there
12 if it's below that level and evaporate out, but
13 when it does exit out, again, as my friend Joe over
14 here said, you know, we're concerned about a major
15 rain, which we had a lot of rain this year. When
16 that exits out, that's going to come down and
17 that's going to come right into the creek, so we're
18 concerned about that ditch, which is already
19 strained, to contain the more than adequate
20 rainfall that we had this year. This was a really
21 bad year for rainfall, and I saw that ditch right
22 up to the top, and I have to remind you guys that
23 that ditch was widened by Stark County because they
24 built at Glenmoor. And they had storm water
25 containment over there too. But guess what? It

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1 flooded. It wasn't big enough. Stark County came
2 out and they dredged that ditch. They assessed the
3 homeowner a thousand dollars to do that because
4 they don't have a budget. Okay. So who's going to
5 be responsible for dredging that ditch and taking
6 care of flooding when my property floods? You guys
7 know about this problem now. You're making
8 yourself responsible. That's what I'm saying.
9 This is what we don't want to have happen.

10 Okay. Another point to be made, I have to
11 say Mr. Ashman's, his other picture that he had of
12 the floodplain of Sippo Creek, let's think about
13 this for a minute. Sure, it's the whole area. I
14 mean, it drains Lake Cable, everything, but if I'm
15 not doing anything in that whole area, I'm not
16 doing anything except right there in that localized
17 area and I have flooding, guess what, you're
18 project caused that. Your logic is flawed. Plain
19 and simple. I don't buy that. You guys don't be
20 fooled by the smoke and mirrors of the
21 presentation. We're against this because we're
22 scared that we're going to get flooded.

23 We feel like nobody is concerned about the
24 residents that already live here. You see the
25 floodplain. Take a good look at the pictures of

1 that floodplain drawing. Go back several years and
2 see where that floodplain's boundaries were and
3 then go back several years before that and see
4 where the floodplain was before that. That's been
5 ever increasing. And every time that any type of
6 building gets put here, you're going to make that
7 floodplain bigger and bigger and it gets closer and
8 closer to my house. And there's some people in
9 this room whose house was nowhere near that before
10 and now they have to carry flood insurance because
11 the FEMA floodplain has increased. And that is the
12 criteria by which your insurance company's going to
13 say you're required, they're going to call you one
14 day and they're going to say you need to carry
15 flood insurance now because now that floodplain is
16 within so many feet of your house.

17 Okay. Is it fair to the people that
18 already live here, that already have an established
19 residence, to be basically treated in this way,
20 that we're less important because this project has
21 to go forward, this land has to be developed and
22 will be developed no matter what? This is the
23 wrong location for this project. Plain and simple.
24 It's a bad spot. There's a lot of bad things about
25 this land. I mean, like Joe said, the percolation

1 of the Artesian wells, come out to my place, I got
2 three Artesian creeks in my yard. Nobody's
3 addressed that at all. Five gallons per minute,
4 ten gallons per minute flow out of two pipes in an
5 open creek. Those are Artesian wells that are
6 tapped and run 24/7, 365 across my property into
7 that little ditch, okay, and if flooding occurs,
8 where's that water going to go? One of the grates
9 is back up by the road. Guess what? Right up by
10 the northern part of the road there, by my house.
11 So that would back up and go into that grate and
12 spill out across the woods. The other one is guess
13 where? In my driveway, five feet from my garage.
14 If that flow in that pipe is restricted and can't
15 flow up, that's going to back up and be in my
16 house. There's some real issues, some real
17 concerns you guys need to take a serious look at.
18 Don't just rubber stamp this proposal.

19 And there's too many questions left on the
20 board by these guys. They came in here, they don't
21 have -- they don't know that they're going to do
22 with the storm water management. Might be dry.
23 Might be wet. They're not sure what they're going
24 to do with the buildings, you know, we're going to
25 do something like this. I think you guys need to

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1 have answers before you even take a vote.

2 Again, I appreciate your time. I
3 appreciate you listening. We're opposed. Thank
4 you.

5 MR. BRUCE: My name's Chuck Bruce, 5885
6 Heather, N.W. I wasn't going to say anything, but
7 I hear all this stuff and without specifics,
8 especially the flooding, but if you look at that
9 map, either side of that gas line you've got
10 \$300,000 homes on a cement slab, what would you
11 say, 30 feet from a high pressure gas line. I
12 think that gas line is either 11 inches or 22
13 inches, but it is a high pressure gas line. So
14 Mr. and Mrs. Homebuyer, how would you like to spend
15 \$300,000 next to that high pressure gas line?
16 Well, I don't want to do that. Well, let's drive
17 it to the other side. You've got four homes there,
18 what, 40 feet from a retention pond? Right on a
19 floodplain. A slab home. Nobody's going to buy
20 those things in their right mind, if they knew
21 about it. It's a real problem. It's a bad plan.

22 He refuses -- every RPC meeting wanted a
23 buffer. He stands up and says, No. That's okay.
24 You don't need it. They got a house 25 feet from
25 my property. He said it was actually 40 feet.

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1 That's about as long as this room. That's crazy.
2 It's a real bad idea, you know, and he said at all
3 these -- we've been here, this is our fourth time,
4 and he's had all kinds of plans, and now that
5 you've got pinched on a plan he's got to stick
6 with, this is what he came up with and it's
7 terrible. This is what he had in his mind all the
8 time. It's just awful. He was pulling wool over
9 your eyes before. Now that he has to show what
10 he's doing, it's no good. Thank you.

11 MR. CONLEY: Anyone else?

12 MS. KILFOYLE: Hello. My name is Mary
13 Kilfoyle and I live at 5919 Heather Street, N.W.

14 MS. POINDEXTER: Could you spell that,
15 please.

16 MS. KILFOYE: Sure. It's K-I-L-F-O-Y-L-E.

17 MS. POINDEXTER: Thank you.

18 MS. KILFOYE: I moved to Jackson from
19 Cleveland about almost four years ago. Found a
20 lovely little, I call it my Brady Bunch house,
21 because it's built in the 60s, it's a tri-level,
22 and I just, I love it. I love the location and the
23 bucolic nature of the neighborhood, and the
24 affordability of it too. I mean, it was just -- it
25 was like a dream come true. I'm baffled, baffled

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1 at the government officials who are elected or
2 appointed who aren't listening to the people of
3 Jackson Township. It blows my mind. We have had
4 numerous people at these meetings stating our
5 concerns and our fears for this neighborhood. If
6 Mr. DeVille builds this, it's going to open the
7 flood gate to build in any type of neighborhood
8 like ours, and our concerns I think are very valid.
9 His plans are wonderful, but not for this piece of
10 property. There are too many issues, and I said
11 and I'll say it again, please don't open Pandora's
12 Box. There's too many ifs and fantasies in these
13 plans. And I stand before you, as all of us do
14 here, and we've got petitions with 400 signatures
15 on it. The people of Jackson Township don't want
16 this. Build your wonderful concept in an
17 appropriate land that doesn't have flooding and
18 wetlands and Artesian wells, and please, please
19 consider what the constituents of Jackson are
20 saying to you. And they don't want it. And there
21 are probably two people in this room who want it.
22 It's the developer and the person who's trying to
23 sell the property.

24 And I think also, you need to take into
25 account Mr. Gallagher, the poor man who's going to

1 be land locked by this development, the R-4. His
2 property is right here. Right there. (Indicating).
3 And he's an elderly man and he doesn't want to
4 speak on his behalf, but he does not want this, or
5 Mr. DeVille would have already purchased his
6 property. He's a very private man and he does not
7 want this and he's going to -- his property is
8 going to go down the tubes financially if this
9 happens. So thank you very much.

10 MR. PATRICK: My name is Paul Patrick. I
11 live at 6080 Groton Street, N.W., and that unit I
12 live in is up high. In the back yard there's a
13 drain, and that house is built like a fortress.
14 There's three steel beams on each side and there's
15 two sump pumps on each side. The damn thing's
16 running constantly from water, and I'm high. And I
17 had the misfortune to have to go to the hospital
18 and the Jackson Fire Department took me, and the
19 guy asked me if I had lived there ten years ago and
20 I said no. Well, there's a big high wall in front.
21 He said, We had to rescue a woman out of there.
22 Her car was under water there. I hadn't been there
23 at the time, so apparently there's water problems
24 there. And I live on the other side of this wet
25 pond, and my electric bill's about \$104 a month

1 because the damn sump pump running all the time.
2 And I live by myself. And this is the fourth time
3 we've been here. We do not want this in the area.
4 If he's going to build 200,000 condos and you look
5 out your back window and see a high-rise, does that
6 make sense? Would you buy one? I know I sure as
7 hell wouldn't. And I appreciate what you people
8 are doing, but let us decide what we want in our
9 neighborhood. Thank you.

10 MR. MOORE: Willie Moore, 6023 Heather,
11 Jackson Township. I rise opposed to this on
12 account of the traffic. Now, whoever is taking
13 these traffic surveys are probably out there 20 or
14 30 minutes. I've been there over 30 years, 24/7,
15 and I know what the traffic is out there. It's
16 hard for us to get in and out of there now,
17 especially if you're turning left, and so this is
18 going to bring on too much traffic. And our roads
19 are getting a lot of traffic over now, getting bad
20 now. They just fixed Hills & Dales Road. We've
21 been bumping over that. So let's take this under
22 consideration. I moved to Jackson Township because
23 I liked it, and I finished raising my kids there,
24 and I'm pleased with it and like I say, I've been
25 there 24/7 for over 30 years. I know what the

1 traffic is there, and the traffic is getting worse
2 every day, and take my word for it. Come up there
3 and sit, and sit on my porch and watch it, people
4 trying to turn left or trying to get out. Thank
5 you very much, and consider what we've been saying.

6 MR. CAMPBELL: My name's Curt Campbell.
7 3320 Hadrian Drive. I'm just going to tell you a
8 little bit of a story, kind of a boring story at
9 first, but I've actually lived in this area most of
10 my life. A few years ago I moved down to Florida
11 and got some experience. I'm 34 years old. So,
12 you know, beginning my career, and my wife, met my
13 wife down there. We moved back up here because we
14 wanted to raise a family, and we chose Jackson
15 Township. Before that, we rented an apartment, and
16 we only did that for like a few months, because
17 living in Florida, you know, it's hard to find your
18 first home being a thousand miles away. So we got
19 back up here. We, you know, rented a few months,
20 and while we're looking for apartments, there's
21 tons of apartments, you can Google, put apartments
22 in, around where we're at on maps, you'll see
23 apartments all over the place. All of them are not
24 full. All of them, a lot of empty spaces.

25 The apartment building we were in was

1 actually DeVille apartments, and a lot of the
2 people were evicted. And like the gentleman said
3 before, not all renters are bad, but I think it
4 speaks volumes that a lot of these buildings are
5 vacant and we're going to keep building apartments.
6 What does that do? What does that do for us as a
7 community? So I just think it's -- when I heard
8 that this is the fourth time that we met, I just
9 think that's ridiculous. I mean, when I heard
10 about it the first time, I'm like that's stupid to
11 have another apartment complex. If I knew about
12 that, I would have not bought my house, and I
13 bought my house about five months ago. So if this
14 goes through, I almost feel like I'm getting
15 stabbed in the back, because if I would have known
16 that, I probably would have chose a different
17 location.

18 Another thing is, the traffic on
19 Brunnerdale, it's -- I drive, I'm a 9 to 5 guy, I
20 drive, turn left on Brunnerdale every morning, and
21 the traffic there is very difficult to get through.
22 You have cars come over Brunnerdale heading north
23 all the time. I'm turning left. The person right
24 next to me, on the other street, they're turning
25 left, and I just think it's impossible, it's not

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1 safe for the traffic to increase there. So thank
2 you.

3 MR. GARDNER: My name's Troy Gardner, 3090
4 Wickford Avenue, N.W., Canton, Ohio. Just real
5 quick, I just want to remind the Commission that
6 there's already been a development approved to the
7 north and the south of Everhard, right up in here
8 and here, (Indicating,) that has not even been
9 started yet. I just think this is just too much
10 too quick. That's all.

11 MR. CONLEY: Is there anyone else that
12 wishes to speak? We got emails from a number of
13 people in opposition. I'll just read their names.
14 Mr. and Mrs. Garlock, Ms. Konen, Mr. Bader, Mr. and
15 Mrs. Cook, Mr. Kessler, Mr. and Mrs. Ku,
16 Ms. Berkley and Mr. Dalucci, all of them had sent
17 emails to either Joni or to the trustees expressing
18 their opposition as well.

19 MR. SANDROCK: We also have Mr. Hall.

20 MR. CONLEY: Oh, yeah. Mr. Hunter Hall,
21 yeah. He's been at all the meetings up until this
22 point. Was there anything you wanted to respond
23 to?

24 MR. DEVILLE: Yes, please.

25 MR. GRUBER: My name is Mike Gruber. I'm

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1 attorney representing Mr. DeVille. My office is at
2 6370 Mount Pleasant. I wanted to address the issue
3 as far as the substreet into the adjoining
4 allotment. When this first came up, I spoke with
5 Ross Rhodes, who's the chief of the civil division
6 at the prosecutor's office, and he told me that
7 while he was working on an opinion, it had nothing
8 to do with this development, that he had nothing in
9 his office and they were not working on any opinion
10 that was directly related to what Mr. DeVille is
11 proposing here. He did address the issue of the
12 substreets into an adjoining allotment, and what
13 Joni Poindexter said is correct, that that is only
14 prohibited in allotments that have a restriction, a
15 platted restriction on the plat that prohibits it.
16 When the allotments do not have that platted
17 restriction, then bringing in a private street or
18 actually, a driveway, out of a condominium, is
19 permitted. So there is no prohibition, there's
20 nothing illegal or improper about the way this
21 allotment is set up and designed for access into
22 the adjoining allotment. I wanted to comment too
23 on the mitigation of the wetlands. Remember, it's
24 only the small isolated wetlands that can be
25 mitigated, and that's because they're very small

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1 and they're insignificant. Anything of any
2 significance to the wetlands in the area is not
3 permitted and won't be touched or impacted in any
4 way.

5 The last comment I'd like to make has to do
6 with the floodplain, and I think there's a
7 misconception with a lot of people that when the
8 new floodplain maps came out, there was this big
9 change. I've been involved with this on a number
10 of different issues around the county, and every
11 time we've talked to the county, we've called, it's
12 not that the floodplain changed. It's the maps
13 became more accurate, that generally those
14 elevations are the same, but they have much more
15 detailed and accurate maps today than when those
16 were first created. Thank you.

17 MR. ASHMAN: Bryan Ashman. I'm just here
18 to respond to a couple of the drainage issues. I
19 can understand everybody's concern about the
20 drainage. I brought it up at the beginning when I
21 first gave some of my presentation. I don't try to
22 hide anything. I don't try to circumvent what is
23 needed. I try to present the facts and what can be
24 done and what is the best methodology for achieving
25 a certain goal, and I do take a little bit of

1 affront when someone states that perhaps they're
2 not giving any consideration to the drainage, and
3 that is really just a -- that's a misdirection by
4 some of the opposition. I would like to address
5 maybe just an item or two, and I'm not here to give
6 you my detailed design, but that will be coming in
7 when the final design development plans are done,
8 but I would like to straighten out a couple things
9 just because I think it was misrepresented. I
10 think it's -- I think this is Mr. Miller's property
11 here that came up and talked about the flooding of
12 his property. The drainage that comes across
13 Mr. Miller's property comes along, starts out along
14 the south side of Hills & Dales, works its way down
15 this way, comes across this way, and yes, it comes
16 down near the property line and it jogs a little
17 and it works its way down and over to the stream,
18 okay. So he does have this drainage pattern that
19 works its way across his property.

20 This existing drainage ditch, which is
21 coming right down through this zone here, is
22 influenced by the property that we are proposing to
23 develop. It's influenced by this entire section of
24 property right up in here. (Indicating). This
25 entire section of property which currently feeds

1 that existing ditch that goes into Mr. Miller's
2 property is going to be intercepted by the storm
3 sewer improvements that we are going to be putting
4 on our site. This storm water management basin, as
5 I had indicated, is going to intercept this
6 drainage coming off this portion of the
7 development. It's going to be routed down over to
8 this central basin here. The outlet from that
9 central basin, contrary to what Mr. Miller had
10 indicated, doesn't go back up north. It comes down
11 to the south, works its way into the wetland area.
12 Can you imagine that? The wetland sits a little
13 bit lower, so the water's going to go down towards
14 the wetland and it's going to work its way right
15 out down the wetland and due southeast towards
16 Sippo Creek. This development will be a benefit
17 for Mr. Miller as far as his drainage issue is
18 concerned. We will be, by our improvements, we
19 will be reducing the amount of water in that
20 drainage pattern that goes across his property.

21 We do look at things like this. I've
22 looked at this in advance. Whether or not we put
23 detention or retention has nothing to do with the
24 way the hydraulics of this basin is going to work.
25 That's an anesthetic appeal type situation. Do we

1 want to have a grass basin or do we want to have a
2 wet basin? The drainage of this whole area is very
3 much of a concern to the residents, but the primary
4 concern that the residents has is due to the
5 flooding down on Sippo Creek. The development
6 improvements that we're going to be doing here are
7 going to be advantageous to the isolated areas of
8 adjacent ownership to eliminate the flooding that
9 they may be currently experiencing. On previous
10 meetings we've had some complaints that drainage
11 floods out perhaps the front area of these homes
12 here. (Indicating). The development will be
13 intercepting all of the drainage that is on our
14 property and collecting it and making certain that
15 the discharge of those -- of our drainage is going
16 into the wetlands prior -- so that it does not go
17 adjacent onto any neighbors' properties. We know
18 this. I do the plans. I've worked on design
19 development plans for over 40 years as a licensed
20 engineer. I know what I'm doing and I take an
21 affront when people criticize that perhaps I don't.

22 With respect to the wetland issue, Mike
23 explained that very well. There are some springs
24 out in the property. Yeah, we have some issues
25 we're going to be dealing with. Again, these are

1 drainage issues that will be accommodated as the
2 development plans are created and the design, the
3 detail design plans are performed. We know there's
4 some issues. There's always issues. Whether I'm
5 doing a small little five lot subdivision or
6 whether it's a big site plan development like this,
7 there's always drainage issues. We know that. We
8 know what needs to be done, and you should feel
9 comfortable that you are also protected by my
10 design being reviewed by your subdivision engineer,
11 who is very stringent in what he enforces as far as
12 drainage rulings and drainage reviews. That's all
13 I wanted to say. Thank you.

14 MR. DEVILLE: A lot of the issues that the
15 opponents are suggesting are existing. If the
16 engineering, if the technology and all the planning
17 and the requirements that we have to go through
18 were in place when their and a lot of other
19 developments were developed back when, we wouldn't
20 have these issues. And exactly what Bryan said is
21 that, he's in the business of ensuring that it
22 doesn't negatively affect the homeowners. And that
23 is backed up by, as I said, Stark County
24 Subdivision Engineers Office. And I got to tell
25 you, I take issue, too, with the suggestion and the

1 conjecture and the fear to the extent that I'm
2 pulling the wool over somebody's eyes or that Bryan
3 is, or whatever else, and I haven't presented a
4 definitive plan. This is more definitive than
5 anything they've seen, and the reason it's changed
6 to date is because we've tried to better this plan.

7 Yes, I've been back, this is the fourth
8 time, but the reason is, that it's improved every
9 time. Now, they don't think that. They still come
10 up with the same conjecture and fear and arguments
11 that are unfounded. Absolutely unfounded by Stark
12 County Subdivision Engineering, by, very honestly,
13 your trustees that suggested that exact fact, that
14 the flooding was unfounded, the traffic was
15 unfounded and the other comments relative to green
16 space and everything else. Look at that
17 development. Is there a lack of green space on
18 there? I take issue with that, ladies and
19 gentlemen. A third, over a third of that parcel is
20 contiguous with the wetlands and the adjoining
21 property that is undeveloped and will continue to
22 be undeveloped in perpetuity with the property. To
23 say that there's not green space and that I'm
24 taking away green space, yes, it's a development,
25 undoubt, but that has got far more than I think

1 that Bryan would suggest that most any other
2 development in not only Jackson Township, but Stark
3 County has. There is green space immense on this
4 site. Is it being developed? Yes. Will it be
5 developed? Yes? But I have not pulled the wool
6 over anybody's eyes. I've done it absolutely
7 upfront with the most dedicated staff, dedicated
8 employees and subcontractors, and that's the way
9 I'll continue to do it.

10 There's reference to this project isn't
11 going to cost, you know, 25 million or a million or
12 whatever it is. The plans alone, gentlemen, for
13 the multi-family portion of this development, and I
14 have not fully engaged my architectural firm to do
15 this, the plans alone for this development will be
16 between, that's just the architectural drawings,
17 nothing else, no engineering, nothing else, will be
18 in excess of \$300,000, for the plans for the
19 development. So don't sit here and tell me,
20 audience and opponents, that I'm pulling the wool
21 over your eyes.

22 (Inaudible response from the audience)

23 MR. DEVILLE: And that's the kind of
24 comment that I don't respect. And one gentleman
25 came up and said that he respected my presentation

1 tonight because I didn't argue with anybody or
2 present any conjecture. I've never done that.
3 I've presented facts every time I've been here,
4 facts, and the only thing we've gotten from the
5 opponents, conjecture, fear mongering and quite
6 honestly, lies.

7 MR. SANDROCK: Everyone kind of chill out.
8 All right. We're going to conduct ourselves at the
9 microphone. So we're not going to do the grousling
10 in the crowds. Come up, speak your piece. That's
11 great.

12 UNKNOWN SPEAKER: You know, I did
13 compliment you on your presentation.

14 MR. CONLEY: No.

15 UNKNOWN SPEAKER: I'm sorry?

16 MR. CONLEY: We're finished.

17 UNKNOWN SPEAKER: Oh, I didn't know. I
18 thought you said come up.

19 MR. SANDROCK: No, we're not going to do
20 this.

21 MR. CONLEY: We understand what -- we
22 understand the objections. We understand
23 Mr. DeVille's issues and his opinions as well.
24 Okay. The meeting is closed to public comment, and
25 so --

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1 UNKNOWN SPEAKER: No rebuttals?

2 MR. CONLEY: No. I said in the beginning
3 how we were going to do it and that's what we're
4 going to do.

5 UNKNOWN SPEAKER: But we were called liars.
6 We should be able to rebut that.

7 MR. CONLEY: Mr. DeVille disagrees with
8 some of the things you said. You disagree with
9 some of the things he said. I don't know that that
10 makes anybody a liar. Maybe Mr. DeVille --

11 UNKNOWN SPEAKER: He said it.

12 UNKNOWN SPEAKER: He called us liars. We
13 didn't call him anything.

14 MR. CONLEY: There isn't anything to
15 rebut. We understand that you disagree with him.
16 All right. It's in your hands.

17 MR. THIEL: This is open discussion period,
18 closed discussion period?

19 MR. CONLEY: For us.

20 MR. THIEL: For us. We hear you. I think
21 you have to understand the role of this committee,
22 the commission. Based on the role of this
23 committee and the rules and regulations that are
24 written by the township, I feel that the proposed
25 development either meets or exceeds all current

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1 written rules and regulations. The proposed
2 development has more than adequate services,
3 including water supply, traffic design, sewage,
4 storm and water drainage services, as well as other
5 infrastructures to support it. This is an issue
6 for the trustees, and I think some of the arguments
7 that you've presented are best served by presenting
8 it to them, and it's not the role of this
9 committee.

10 MR. CONLEY: Larry, any comments?

11 MR. EVERHARD: I do. Yes, we've sat here
12 numerous months looking at different proposals, and
13 I do have to admit the proposals are getting
14 better, they're improving. They're complying with
15 regulations and in fact, the trustees asked us to
16 look at some new zoning regulations, which we've
17 reviewed and approved, to incorporate more teeth
18 into our zoning rules and regulations. I think
19 Mr. DeVille has come back and everything that we've
20 asked in our zoning book has been answered. I
21 think he has gone over and above our minimum
22 requirements. I look at -- I know you say it's a
23 rubber stamp, and I've seen that in print and I've
24 seen people accuse us of rubber stamping certain
25 issues. I don't think that is the case. One

1 gentleman said, Well, do you really review? I've
2 spent about 12, 15 hours just on this proposal
3 alone, reviewing, comparing the zoning issues,
4 comparing the application, and I ask myself, what
5 would I do with that piece of ground? And I hear
6 each and every one of you having some kind of
7 problem. If there's no development on that ground,
8 those issues are going to get compounded with time,
9 because the floodplain in that area, if I remember
10 correctly, encompasses what, 9000 plus acres.
11 People are going to build somewhere and it's going
12 to have some effect on you.

13 I really believe that a development in that
14 area, whatever it is, has to improve that area and
15 has to improve your present conditions. I think
16 the engineer has done an admirable job. I think
17 there's enough check and balances between the
18 county, the county's engineers, the township, the
19 township trustees and their requirement. I think
20 personally, I think it's a good development and I
21 think it's going to improve the land and I think
22 it's going to improve the conditions that you're
23 experiencing with the flooding. Traffic is an
24 issue that is ongoing, will continue forever and
25 ever. How many millions of cars have been sold

1 each month to every one of us? At one time owned
2 one car, now we own two cars, and if we have kids
3 in high school, we own three, four cars. Traffic
4 is an issue that has to be addressed by the county,
5 the state, to improve the roads, to make them more
6 accessible to the citizens.

7 Traffic counts are taken on a yearly basis
8 or whatever time frame is, and if I look at the
9 information, I see that we do have traffic counts
10 on these roads. They're within the design
11 parameters, which lets me to believe that yes,
12 there's going to be congestion, there's going to be
13 times where the traffic is going to back up and
14 other times traffic will flow very smoothly. I
15 mean, I've got two issues, to look at the
16 technical, everything that is required in this book
17 which has been approved by the trustees, and I've
18 sat down and looked at the technical, and it does
19 comply. So my engagement of the mental capacity
20 says it's a good proposal, it meets the
21 requirements approved by the trustees. Then I look
22 at what's the other option, is the emotional
23 option, and I'm saying, there's a piece of ground,
24 it has merit. It has potential. What are you
25 going to do with the ground? Keep it as is and let

1 perpetuate forever? I saw somebody in their
2 correspondence said, well, turn it into a community
3 park. Maybe that's a viable solution, but
4 somebody's got to come up with the dollars and
5 cents to do that. I don't think the township, I
6 don't know that for a fact, but I assume the
7 township is in no position to buy that land and
8 develop it into a park. Something eventually will
9 happen to that piece of ground, and you try to take
10 the best opportunity you have as a resident in the
11 area and say this is a good plan, this is going to
12 benefit, or do I wait for the next person to come
13 along and develop that land?

14 MR. CONLEY: Scott.

15 MR. SANDROCK: Well, first of all, thank
16 you everyone for coming. We realize these are
17 incredibly important issues and I can't help but
18 take the opportunity to at least comment on the
19 process a little bit. I know a number of you had
20 commented, gosh, this is the fourth time, and
21 didn't you hear us the first time or the second
22 time or the third time? And I just want to point
23 out two things. We live in a public process here
24 in our township and our state, and such that you
25 have an opportunity for a public opportunity to

1 speak your piece. These aren't changes that are
2 done in the dark of night and, you know, corners
3 and politicians make decisions. Each of you have
4 the opportunity to get notice of a proposed change
5 that impacts your neighborhood, have the
6 opportunity to come and speak your piece, have your
7 neighbors come and speak on your behalf. I know a
8 lot of you are here today to support comments, even
9 though you haven't spoken, and that's the system
10 that we have, that gives everyone a chance to
11 express their views.

12 The other thing I just want to at least
13 comment, that I know that these homeowners, each of
14 us really are proud and care about our homes, but
15 from a land use perspective, the person who builds
16 the first house doesn't have any superior rights to
17 what the future of the neighborhood is over the
18 person who builds the last house in the
19 neighborhood. The landowner has the right to try
20 to use their property in an appropriate manner
21 subject to following rules. And so those of you
22 that might have been the first guys on the street
23 really couldn't say that the next person who wanted
24 to build a house down the street, wait a minute
25 here, you're destroying my view or you might impact

1 the traffic and I don't want the third house in my
2 allotment. That's what the process is for.

3 I'm not an engineer. We have engineers in
4 the room and some of you are much more skilled in
5 these matters and are spending much more time
6 looking at the Artesian wells and run-off, but we
7 had a change in the zoning rules in our township to
8 actually create these planned unit developments,
9 the R-4, the R-3, and the difference between that
10 and a general R-3, and this was something we talked
11 about in an earlier stage in these proceedings,
12 where if it was approved to R-3, anything could
13 show up in any format and configuration as long as
14 you met the density, that was it. And the rules
15 have changed, so that the developer, such as
16 Mr. DeVille, or any developer for that matter, who
17 chooses to use R-3, is locked into a certain
18 line-up of streets, a certain line-up of number of
19 houses, certain dimensions of the lots and the
20 like, and they don't get to alter it without coming
21 back to public comment and consideration, which we
22 think is extremely important in our township. Not
23 all townships have that approach to it. And so
24 when I say that, and I know one of the gentleman
25 had said, Well, what are they going to look like?

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1 Well, we don't get down into a world of, Gee, I may
2 not like colonial, I may prefer modern, or I may
3 not like brown walls, I would prefer beige walls,
4 and that's not how detailed we get in our zoning
5 world. And so I think from that perspective, I do
6 question candidly is, I pick up on Mr. Everhard's
7 comments, does some effort to control drainage
8 improve the area rather than let nature do what
9 nature does? And that's something that I'll
10 certainly consider as I make my final call.

11 MR. CONLEY: John, do you have any comment?

12 MR. WESTON: No.

13 MR. CONLEY: I appreciate the fact that we
14 had four meetings. It has been a burden on you,
15 but, you know, us as well. I mean, because we're
16 going to make somebody unhappy, although the
17 trustees ultimately have the final vote, we all
18 know that. We as a commission voted against
19 Mr. DeVille's first proposal. Frankly, we didn't
20 think that it worked. When it got to the third
21 proposal, we thought that he had satisfied
22 virtually all of our concerns. The one thing that
23 we were worried about was, we can't hold a
24 developer to a specific development. All we can do
25 is grant or deny the zoning. And as a commission,

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1 I can tell you we don't like that. We think that a
2 developer ought to be held to more strict
3 standards, but at the time, we didn't have that
4 zoning available to us, and the commission did
5 approve Mr. DeVille's plans. The trustees then
6 denied it, and I think, at least partially because
7 between the time that we met and the trustees met,
8 the new rules came into effect. And we all knew
9 that if the trustees denied Mr. DeVille, there was
10 at least a possibility that he would come back with
11 a plan that would be within the new zoning regs,
12 which is what he did. So we know that there will
13 only be 23 condominiums if this thing goes forward,
14 that there will only be 23 condominiums. There
15 won't be 35 or 40 or whatever the maximum number is
16 available. There will only be the number of units
17 of multi-family that's on the plan. Can't put
18 anymore in there, even though the R-4 zoning would
19 allow more. He's restricted to that, and that is
20 something, frankly, that we're rather proud of, the
21 fact that there is now zoning available to the
22 township that gives the developer, or that does not
23 allow the developer to change his plans. So I
24 think the plan is well thought out. I think it
25 does not violate any of the tenets that we are

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1 looking for in terms of the development. I think
2 it works.

3 The process is that I will ask for a motion
4 to approve the plan, or the rezone, and a second.
5 That does not mean that the person who makes that
6 motion or seconds it will vote in favor, only that
7 we need to have a way to get the motion on the
8 table. At that point, then we will individually
9 vote yea or nay.

10 MR. THIEL: I move for approval of
11 amendment 622-15.

12 MR. CONLEY: We want, Mr. Thiel, we want it
13 understood that we are approving the -- we are --
14 the motion is to approve the plan as presented.

15 MR. THIEL: Tonight?

16 MR. CONLEY: Not as modified by RPC.

17 MR. THIEL: The plan as presented tonight?

18 MR. CONLEY: Yes.

19 MR. THIEL: October 8th.

20 MR. CONLEY: Yes. Okay.

21 MR. THIEL: 2015.

22 MR. CONLEY: The RPC had recommended a
23 100-foot modification. Mr. DeVille did not
24 incorporate that in his plans. This motion is for
25 the plans as presented, not with an expanded

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1 separate.

2 MR. EVERHARD: I second the motion.

3 MS. POINDEXTER: Mr. Weston?

4 MR. WESTON: Aye.

5 MS. POINDEXTER: Mr. Thiel?

6 MR. THIEL: Yes.

7 MS. POINDEXTER: Mr. Everhard?

8 MR. EVERHARD: Yes.

9 MS. POINDEXTER: Mr. Sandrock?

10 MR. SANDROCK: Yes.

11 MS. POINDEXTER: And Mr. Conley?

12 MR. CONLEY: Yes. All right. Our

13 recommendation will go to the trustees to approve
14 the rezone.

15 MS. POINDEXTER: This will be scheduled
16 with the trustees for October 27th at 6 p.m. Those
17 who received a notice for this hearing will receive
18 a notice of the trustee meeting. Thank you.

19 MR. CONLEY: Is there any other business?

20 MS. POINDEXTER: Yes. The only other thing
21 we have is the minutes from the June 18th meeting.

22 Mr. Weston, Mr. Thiel, Mr. Everhard, Mr. Conley?

23 MR. WESTON: Aye.

24 MR. THIEL: So moved.

25 MR. WESTON: Second.

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1 MS. POINDEXTER: Okay. All favor?

2 MR. SANDROCK: Aye.

3 MR. CONLEY: Aye.

4 MR. POINDEXTER: Okay. And the other one
5 is just the minutes from 9-17, which Mr. Conley,
6 Mr. Sandrock?

7 MR. CONLEY: So moved.

8 MR. SANDROCK: Second.

9 MS. POINDEXTER: Okay. That's all we have.

10 MR. CONLEY: We are adjourned.

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14 (Meeting concluded at 7:22)

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