

Jackson Township Zoning Commission Meeting Minutes
October 20, 2016

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

Mr. Thiel recused and Ms. Head participated in the hearing.

5:00 PM Amendment 628-16 –Omni Orthopedics Inc., Brock Bennington, CFO,4760 Belpar St. NW, Canton, Ohio 44718 agent for Lake Cable Nursery LTD, 5110 Fulton Dr. NW, Canton, Ohio 44718 and Donald Crum, 5093 Everhard Rd. NW, Canton, Ohio 44718 property owner, propose to rezone R-R Rural Residential District to B-3 Commercial Business District approximately 1 acre of a 2.16 acre tract, parcel 1627694, area to be rezoned has frontage on the west side of Everhard approx. 245 ft. south of the southwest corner of Fulton and Everhard

Mr. Conley read the file application and Stark County Regional Planning Commission's recommendation for approval of a modification to B-2 and the facts considered in their recommendation.

Those that spoke in favor of the amendment:

Mr. Raymond Zinicola, 4760 Belpar NW, Canton, Ohio explained that Omni is requesting to rezone the residential one acre parcel to B-3. They are purchasing about 4-1/2 acres for a surgery center. The proposed building will have two stories with the second story having offices and training rooms. The maximum height of the building will be 40 ft. They do not want a split zoned parcel and they plan to combine the parcels into one overall parcel. Mr. Zinicola presented a rendering of the proposed building.

Mr. Zinicola explained the building layout. The building would have a molly port to help patients into their vehicles and out of the weather. It will also accommodate ambulances so it will be 12 ft. height. The access will be off of Fulton and Everhard.

Mr. Conley stated that Mr. Zinicola said that the highest part of the building would be 40 ft. and asked if the 40 ft. is because of the artistic look.

Mr. Zinicola stated yes. They will finalize plans within the next month or two and would like to be in by January 1, 2019.

Mr. Everhard stated he understands the entire Lake Cable nursery would be purchased.

Mr. Zinicola stated yes.

Mr. Conley confirmed that the house owned by the owner of Lake Cable Nursery isn't part of the plan.

Mr. Zinicola stated that is correct.

Mr. Everhard stated he walked the property and there were surveyors out there and pins have been put in. One parcel was noted as parcel A and the residential house that the Lake Cable owner's own was called parcel B and the two story residential home on the corner was marked parcel C and asked if Mr. Zinicola he had any involvement with the other two parcels.

Mr. Zinicola stated no.

Ms. Poindexter explained that part of the property is being split off to sell to Speedway.

Mr. Everhard asked if the access management regulations have been addressed.

Mr. Zinicola stated they are aware of the access management plan and that will be part of the process.

Mr. Everhard stated that he understands there is access off of Everhard and Fulton but since that is a non-conforming zoning he doesn't know that that perpetuates or not and asked Ms. Poindexter if she had an idea.

Ms. Poindexter stated that they will look at that through the access management because it is redevelopment of the site.

Mr. Conley asked approximately what the cost would be for the development.

Mr. Zinicola stated it would be between 5 and 10 million.

Mr. Everhard stated RPC recommended B-2 but in their presentation since they are purchasing all of the existing land which is B-3 if that is the reason, not only the fact that they will be 40 ft. in height instead of 35 ft. height but if that is the reason it is based on the B-3.

Mr. Zinicola stated yes. They would like to be consistent.

Mr. Sandrock stated RPC recommended a B-2 and he understands that isn't their preference but a medical building could actually be a B-1 so why do they even need a B-3 at all.

Mr. Zinicola stated they wish to have a B-3.

Mr. Sandrock stated he understands that but his question is with the project that was described it could be a B-1.

Mr. Zinicola stated he don't know how the project would be affected regarding setbacks, etc.

Mr. Sandrock stated that he looked at the neighborhood to the south and it is a lot of building verses the current use but when he looks at the application for a medical clinic he doesn't know why they can't do it in a B-1.

Mr. Zinicola stated Omni has been on Belpar for over 20 years and on Munson as a surgery center for 18 years. When he started 22 years ago it was the sole intent to stay independent as long as possible. The next plan is to make the surgery center larger so they can accommodate new procedures that independent orthopedic groups can do. Their plan is to be there for at least the next 30 years.

No one else spoke in favor of the amendment.

Mr. Conley asked if anyone wanted to speak in opposition to the amendment.

Clark Richards, 5290 Schario Rd. NW stated he lives in the neighbor and he is not for or opposed to it. There was a meeting on Sept 15th with Omni and about 20 people attended so he doesn't know why they aren't in attendance at this meeting. There were concerns about the building being against their property.

Mr. Richard showed photos and explained the neighborhood area and explained that at the meeting Mr. Zinicola expressed that they want to be a good neighbor so he is in attendance to make sure they are good neighbors to them. He understands that they have to have a landscaping plan and he wants to keep the buffer that is there. There is a house that has a pool that abuts the property and he would like to keep the trees because a six foot hill with trees isn't going to block a 40 ft. building. The land also slopes down so he doesn't know how they are going to fill it or put up a retaining wall. He doesn't want them to tear down the trees to fix that. They don't have a site plan and he thinks that's important. He likes the idea of it being a B-2.

Mr. Richard stated that Mr. Zinicola didn't mention if they were going to buy the gas station but obviously it sounds like they are.

Ms. Poindexter explained the gas station has nothing to do the rezone. The gas station is buying a part of the Lake Cable Nursery property for the gas station but not for part of the rezoning.

Mr. Richard stated that was his fault he didn't understand. He thinks the B-2 is a great scenario and transition.

Mr. Conley asked what is on parcel B as shown on the map.

Mr. Richard's stated that is a ranch house with a swimming pool and trees. Parcel C has utilities and parcel D has a home on it. The existing trees currently hide Lake Cable Nursery. He thinks a site plan is important. He has a concern about the egress onto Everhard because there is already a traffic nightmare on Everhard and people use the neighborhood as a cut through. Again he is neutral.

Mr. Weston stated that he looked at the aerial view and there is a possibility that the trees are on the residential properties.

Mr. Everhard stated there is a concrete structure approx. 12 x 12 with a lid and 6 ft. fence and outside of that area is a communication tower and that will remain so the drainage is part of that. Mr. Everhard stated the Stark County Engineer will review drainage plans and it has to be approved by the County.

No one else spoke in opposition.

Mr. Zinicola stated he knows they are responsible for the water on their property and they know what the topography is. They are looking at two ways to handle the water and it depends on the location of the building. He understands the tree concern but he can't say for sure what they will do but they will abide by all the rules of the township. If some of the trees are not in the way of construction they will not remove them just to strip them down.

Mr. Zinicola showed a rendering of the way the building could possibly sit on the lot.

Mr. Don Crum, 5093 Everhard NW, Canton, Ohio stated there are two curb cuts on the front and when the State put the road in they left two curb cuts.

Mr. Crum stated the pin that Mr. Everhard saw is the area is what he wants to keep because he has an existing garage that he wants to maintain access to. The trees are about 70 years old. They did not put a fence around them because they didn't want to damage them. The trees along the south are on the residential property. Mr. Crum stated he doesn't think the township is a fan of split zoning.

Mr. Zinicola stated they will generate 70 patients on a very busy day. There will be about 35 employees and the hours will be around 6 to 5 or 6. Normally it is only about 20 patients.

Mr. Zinicola stated patients do not stay the night and the operation hours would be Monday thru Friday on a scheduled basis.

Mr. Conley closed the hearing to public input.

Mr. Sandrock stated he understands from a zoning perspective they don't dictate landscaping, and etc. He thinks this project can fit within the B-2 classification and a B-2 is a good fit. His concern is the plans can change and once it is B-3 other things can be put in there. He is okay with a B-2 but doesn't see a B-3.

Mr. Conley stated he didn't have as much concern as Mr. Sandrock. Right now all of the property owners except Mr. Crum and lot B are already up against the B-3 zoning and there is no impact with a change. The owner of parcel B is not here. There is something to be said for consistency with zoning in that block. If somebody wanted to put a car dealer ship they could do it now. It is a bit leap of faith to say they would do it. The facility they are planning is not a problem. From the perspective of the township it is an advantage and they would rather have it. He doesn't have a problem with the request.

Mr Everhard stated he looks at all the B-3 around them but by rezoning this one parcel they are not going to affect the B-3 that is around them. He prefers a B-2 but the way the real estate is at Fulton and Everhard he has no problem approving a B-3.

Mr. Conley stated if this was going from an all R-R to a B-3 he wouldn't support it but they are only talking about a small portion.

Mr. Weston thinks a B-2 would fit but most is B-3 and it is a minimum change and B-3 makes sense.

Ms. Head stated everything around it is B-3 and it is a good use.

Mr. Everhard made a motion to approve amendment #628-16 as requested and Mr. Weston seconded the motion.

The vote was: Mr. Weston-yes, Mrs. Head-yes, Mr. Everhard-yes, Mr. Sandrock-no, and Mr. Conley-yes.

Ms. Poindexter stated the amendment would go before the Trustees on November 9th at 5:30 PM.

Ms. Poindexter stated that back in 2002 the board adopted rules of procedures for the board. There is a very minor modification that is for clarification purposes which is to add the word participate to the sentence in Article II, Section 2, so it reads "When attending a meeting on behalf of an absent member, the alternate member may **participate and** vote on matter on which the absent member is authorized to **participate and** vote." The only other change is in Article V, Section 7, item J is added that states "**Close hearing to public input**".

Mr. Everhard made a motion to approve the changes to the rules of procedures and Mr. Sandrock seconded the motion.

The vote was: Mr. Weston-yes, Mrs. Head-yes, Mr. Everhard-yes, Mr. Sandrock-yes, and Mr. Conley-yes.

Ms. Poindexter asked for a motion for the meeting minutes from the September 15, 2016 meeting.

Mr. Sandrock made a motion to approve the meeting minutes from the September 15, 2016 meeting and Mr. Everhard seconded the motion.

The vote was: Mr. Weston-yes, Mr. Everhard-yes, Mr. Sandrock-yes, and Mr. Conley-yes.

Mr. Conley adjourned the meeting.

Respectfully submitted,

Joni Poindexter
Jackson Township
Zoning Inspector