

Jackson Township Zoning Commission Meeting Minutes

June 16, 2016

Members Present: James Conley
Scott Sandrock
Larry Everhard
John Weston
Fredrick Monsell-Alternate

Zoning Inspector: Joni Poindexter

Absent Members: David Thiel
Chylece Head-Alternate

5:00 PM Amendment #626-16 - William Day, 4050 Whipple NW, Canton, OH 44718 agent for Appleman Haymaker Properties. LTD, property owner, 7710 Lake O'Springs NW, N. Canton, OH 44720 propose to rezone R-R Rural Residential District to R-1 Single Family Low Density Residential District, approx. 18.90 acres of a 31.55 residual tract, parcel #1628427, also known as 5746 Strausser St. NW, located on the south side of Strausser approx. 190 ft. east of Wyndgate Court, Sect. 11NW Jackson Twp.

Mr. Conley read the file application and Stark County Regional Planning Commission's recommendation for approval of a modification with the modification being to rezone the entire parcel to R-1 Single Family Low Density Residential District.

Those that spoke in favor of the amendment:

Mr. William Day, 4050 Whipple Ave. NW, Canton stated he is the agent for the owners of the property and the realtor involved. He is going to let Bryan Ashman handle most of the presentation. He talked to a number of residents. In RPC's recommendation on paragraph 7 when they talk about the amount of lots that could be generated, they have 18.9 acres and that should have been on the total acreage on 31.5 acres. There would have to be awful small lots to get 56. His calculations are approximately 46 lots could be generate as R-R and with the present layout he will show the board there will be 51 lots. There is a difference of 5 lots.

Mr. Conley stated RPC doesn't take into consideration the roads.

Mr. Bryan Ashman, stated the shaded area is what is being requested. The dark line around the perimeter is the full property that is 31.55 acres. The rezoning area is approx. 18.895 acres. They are trying to create an area that will generate 5 additional lots for the subdivision. This is to pay for some of the infrastructure that is going to be necessary for the site distance connection at Portview. The zoning change is not dependent upon a site plan but they are going to submit a new preliminary plan to RPC which is the subdivision allotment. The plan is similar to the concept development plan that he is showing. There were several things brought up about split zoning. They are trying to get 5 additional lots to pay for the intersection site distance improvements. In order to do that they felt that it would have the least impact to the neighbors if they created lots around the perimeter that would have a buffer to the existing R-R. The zoning inspector along with the Law Director made a determination that if the lot is split

zoned it would have to meet the requirements of the R-R zoning regarding lot size, etc. even if the house is built in the R-1 portion. So the house and lot size would have to meet the R-R requirements. With the 18 plus acres if they kept the same roadway layout that is represented and they didn't receive the R-1 approval they would lose 5 lots and only have 46 lots. That difference is within the R-1 requested portion of the property. The copy presented is what is going to be submitted to RPC on June 17th because that is the deadline for the next meeting. It is understood that RPC can only give conditional approval subject to the zone change. If the rezoning is not approved the preliminary plan would be denied. All the lots will have public sewer and water and the access onto Strausser is important. The developer is aware of the site distance and improvements needed. The plan represents two storm water management basins with the east basin collecting most of the water along the northeast portion of the property.

The property line between lots 44 & 45 will have a pipe and the property line will go through the middle of the pond. Lot #44 will own a portion of the storm water management basin and some of the dashed lines are contours. There will be an easement for any storm sewers that are outside the right of way. There will be a home owners association that is to maintain the basin but the mowing will be the responsibility of the lot owners that abut the basin areas on their property.

Mr. Sandrock asked Mr. Ashman to explain the line of site distance.

Mr. Ashman stated ODOT is saying when you're in your car the height of your eyeball is 3-1/2 ft. You have to be able to look both ways and see a car at a specific distance in order for that car to feel comfortable to be seen. Mr. Ashman explained the site distance and stated they will lower Strausser about 1 to 1-1/2 feet.

Mr. Ashman stated sewer would be brought in off of Ridgecourt.

Mr. Ashman showed a colored rendering of the lots that would meet the R-R regulations.

Mr. John McCue, 8023 Clifton Ct. stated he is in favor. He was the developer of Wyndam Ridge and they will build the homes. He is totally in favor. Most lots are just a little smaller than the R-R and they need the extra lots to get the intersection fixed. Not everyone wants a 20,000 sq. ft. lot to mow and it will be a nice development.

Mr. Everhard asked if there would be any driveways onto Strausser.

Mr. Ashman stated that the preliminary plan would state no lots can have accesses onto Strausser.

Mr. McCue stated that he thinks the development will be a win-win for everyone.

Mr. Tim Bruss, 5901 Westridge Circle stated he is conditionally supportive of the proposal. He was opposed to the other rezone request due to traffic & safety issues, density and other issues. In 2016 he acknowledges Mr. Day has created a more responsible plan. It calls for less density than the previous plan and the access was moved to a more appropriate area. He is supportive but still has concerns about the access. He urges them to emphasize to the Trustees and the County to avoid any shortcuts. It appears the crown at Portview is maintained and preserved but there is a hump that appears is going to be shaved off. He trusts the county engineer will review this. He asked that we be careful from the county perspective. If the traffic engineer comes back with a higher price tag and one that puts economic stress on the

developers business model he doesn't want the potential for a cascade of events that creates uncertainty of the Strausser Portview intersection, being a safety hazard, and it causes the developer to reevaluate the zoning and increase the density. He commended the developer on the responsible changes to the plan. He urges the township to scrutinize the expectations of the intersection.

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

Eric Escola, 7620 Wyndgate, lot #27 stated that he testified 2 years ago. In reviewing what they talked about in 2014 he remembers with the ZC and Trustees in discussions about the issues with Strausser and John and Randy made specific comment about they realize Strausser is over stressed as it is and there is more traffic then what that road can actually handle and they know it is unsafe. If he remembers that was the only reason they gave for turning it down two years ago. He doesn't have any opposition to developing the property behind him because it was always intended to be R-R. He lives at the end of the road and he was also told by John that eventually the road go through and come out but they would have to redo the road at the Strausser intersection to make it safe. They are proposing the R-R around the existing properties and the only opposition he would really have is lot's 37, 38 and 39. If those were R-R as well he would feel a little more comfortable. He understands the plan is not binding so his concern that they show a plan and then when they do the intersection, in his opinion it needs to have a full improvement. He thinks it is not safe to put in another 5 lots because it is still a lot of traffic. He is in favor of R-R because it restricts the amount of lots and reduces the amount of traffic onto Strausser. He thinks there should be a full improvement of the Strausser and it should be knocked down 5 to 7 feet and then put this into play.

Mr. Sandrock asked Mr. Escola, based on what Mr. Ashman stated about the need of reducing the road going west from Portview, if that helps alleviate his concerns.

Mr. Escola stated he thinks it's addressing the problem at a minimum and there is a bigger problem.

Mr. Weston stated he looked up the line of site calculations and stated what some of the calculations are.

Mr. Escola stated he still thinks the road needs a full improvement and understands the County and State will look at that.

Mr. Bruss showed the illustration from 2014 that showed the hump in the road and asked if they will shave the hump and maintain the crown at Portview.

Mr. Ashman stated yes.

Mr. McCue stated he has traveled Strausser for 45 years and when they extended Shuffel drive it cut the traffic on Strausser significantly so he doesn't see the same traffic issues as a few years ago.

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

Mr. Conley closed the hearing to public speaks.

Mr. Monsell asked why they didn't request the R-1 for the entire property to avoid the split lots.

Mr Conley stated they are not going to open it back up but the board can talk about that.

Mr. Conley stated that he likes it. The way it's laid out protects the homes east and west by providing for R-R. He thinks it makes sense.

Mr. Everhard asked Ms. Poindexter, since they are leaving part of it R-R and rezoning sections of it to R-1 when it goes before the Trustees will that delineate between the existing R-R and R-1 so the developer will be held to the fire more or less to say that these lots are remaining R-R and the future lots are R-1. The zoning request is for 18.9 acres to be R-1 so no matter what happens in the R-1 the rest of it will remain R-R.

Mr. Day stated the R-R controls what you can do in it.

Mr. Conley stated as Joni pointed out in the beginning, the fact that it is split zoned, they are still required to comply with the more expansive zone so all those lots that are technically partly R-1 will have to comply with the R-R requirements.

Ms. Poindexter stated that is correct.

Mr. Ashman stated they did not want to base the lots per the zoning regarding lot lines because they may adjust a lot line slightly. It is the determination of the Law Director that if the lot has any R-R whatsoever then the R-R regulations will apply.

Mr. Conley stated that they all agree that the east and west portion of the property as shown are going to be R-R.

Mr. Conley asked for a motion from the board for approval; however the motion does not mean that the person making the motion will always vote for it but this gets the motion on the table.

Mr. Monsell made a motion to approve the amendment as filed and Mr. Weston seconded the motion

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

Mr. Sandrock made a motion to approve the meeting minutes from the March 24, 2016 meeting and Mr. Everhard seconded the motion.

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

With there being no further business Mr. Conley adjourned the meeting.

Respectfully submitted,

Joni Poindexter
Jackson Township
Zoning Inspector