

AGENDA

STARK COUNTY REGIONAL PLANNING COMMISSION

201 3rd Street NE, Suite 201 - Canton, Ohio 44702-1211

DECEMBER 8, 2020

7:30 p.m.

1. **PLEDGE OF ALLEGIANCE**
2. **MINUTES OF THE NOVEMBER 3, 2020 MEETING**
3. **FINANCIAL REPORT FOR NOVEMBER**
4. **TOWNSHIP ZONING AMENDMENTS**

CA #2 – Proposed text amendment that would: modify permitting regulations for fences and walls; replace “Skill Games” with “Skill Based Amusement Machines”; and expand regulations for Skilled Based Amusement Machines. Applicant: Canton Township Board of Trustees

NI #2 - Proposed text amendment that would: modify regulations pertaining to fences, walls and hedges; and add a definition and regulations for transient solicitor. Applicant: Nimishillen Township Board of Trustees

PE #2 - Proposed rezoning from R-2 Single- and Two-Family Residential District to B-2 Commercial District – Part of one tract, approximately 4.1 acres, located on the north side of Navarre, east of Genoa in the NW ¼ Section 26, Perry Township. (legal description on file with Township). Applicant/Owners: Wayne D. Schafrath/Robert Berryhill – Empirita Development; Current Use: Single-family/Agriculture; Proposed Use: Indoor Golf Facility

5. **SUBDIVISION ACTION** (attached)
6. **AGREEMENTS**
 - a. Stark County Commissioners – Wage Rate Monitoring
7. **FISCAL ITEMS**
 - a. 2021 Purchase Orders
8. **ADOPT SCRPC 2021 MEETING SCHEDULE**
9. **OTHER BUSINESS**

CANTON TOWNSHIP ZONING AMENDMENT

December 8, 2020

CA #2, 2020

SUMMARY OF PROPOSED TEXT CHANGES: An amendment is proposed to the Canton Township Zoning Resolution which would:

- Modify permitting regulations for fences and walls
- Replace “Skill Games” with “Skill Based Amusement Machines”
- Expand regulations for Skilled Based Amusement Machines

APPLICANT: Canton Township Board of Trustees

FACTS TO BE CONSIDERED:

1. The Township is proposing an amendment that would modify regulations under Section 300.5 Fences, Walls and Hedges in the Township Zoning Resolution. The amendment would remove the statement “zoning permits are not required for fences, walls or hedges,” and replace it with “zoning permits are required for fences and walls.” The Township’s Zoning Resolution as posted on their website appears to be missing the statement proposed for deletion and so the Township should confirm the most up-to-date version of the Zoning Resolution is on the Township’s website. Please provide a copy to RPC to help ensure there are no discrepancies when RPC reviews future amendments for recommendation.
2. The Township is proposing to remove “Skill Games” from the list of conditionally permitted uses in the B-2 and B-3 Districts, thereby only allowing these uses in the I-1 and I-2 Districts. The term “Skill Games” is being replaced with “Skill Based Amusement Machines” in the I-1 and I-2 Districts in an apparent effort to match the Ohio Casino Control Commission.
3. A new subsection in the conditionally permitted use regulations (Section 800.3) is proposed, which would stipulate that all Ohio registrations and licensure must be in place for skill based amusement facilities prior to opening. This subsection is being added to the list of other conditions that skill based amusement machines must adhere to in the I-1 and I-2 Districts. In the amendment, it appears that subsection 141 is being removed as one of the conditions these facilities must follow in the I-1 District. It is unclear whether this was intentional or not as this same subsection is still included in the I-2 District’s list of conditions.
4. The amendment as proposed appears to alternate between the use of “skill based amusement machines” and “skill based amusement machine operators or business.” Staff recommends using “Skill Based Amusement Machines” as the Conditionally Permitted Use and adding “Skill Based Amusement Machine operators or business” to the newly proposed subsection outlining their registration and licensure requirements.
5. To be consistent with the new terminology, staff recommends replacing the definition of “skill games” in Article II Definitions, with a new definition for “skill based amusement machines.” The Township should reference the Ohio Revised Code for guidance on defining “skill based amusement machines” and consult with their legal counsel.

6. Options do exist for the Township's separation of skill based amusement machines into categories, depending on their award system and level of intensity. This could allow for the lower-intensity machines to be allowable in more districts. Should the Township decide to pursue this route in the future, please consult the Ohio Revised Code and the Ohio Casino Control Commission for possible category options.
7. Staff would encourage the Township to ensure that their legal counsel has reviewed the amendment for sufficiency and compliance with applicable laws.

STAFF REVIEW AND RECOMMENDATION:

Based on the above facts, staff recommends **approval of a modification** of the proposed text changes.

NIMISHILLEN TOWNSHIP ZONING AMENDMENT

December 8, 2020

NI #2, 2020

SUMMARY OF PROPOSED TEXT CHANGES: An amendment is proposed to the Nimishillen Township Zoning Resolution which would:

- Modify regulations pertaining to fences, walls and hedges
- Add a definition and regulations for transient solicitor

APPLICANT: Nimishillen Township Board of Trustees

FACTS TO BE CONSIDERED:

1. The proposed amendment would remove the statement “zoning permits will not be required for fences” under Section 602.9 Fences, Walls and Hedges. According to the Township, this is being removed from the resolution due to the Township wanting to require permits for fences and walls; however, permits will still not be required for hedges. For clarification, staff recommends instead modifying the statement to read “zoning permits will be required for fences and walls.”
2. The Township is also proposing to add a definition and regulations for a “transient solicitor” to the Township Zoning Resolution. The definition appears to describe a person or company engaging in door to door sales. The definition provided is vague and appears to be inadvertently missing some information. Staff recommends expanding upon the definition of transient solicitor, including what types of goods or services they may sell. The township may also want to consider instead using the term “transient vendor” to match the Ohio Revised Code.
3. As proposed, the amendment would add regulations to a new section, Section 602.12 Transient Solicitors. These regulations require a solicitor to obtain a permit, and “solicitor associates or company” to register with the Township. Section 602 involves “Exemptions and Modifications” to the Regulations, which may not be an appropriate section for this addition.
4. Section 505.94 of the Ohio Revised Code authorizes townships to regulate and require registration of transient vendors through a resolution from the Board of Township Trustees. The regulating of transient vendors does not appear to be a function of zoning, as this is policing of an activity versus the use of land. It appears that Jackson Township is the only other township in Stark County that has regulations pertaining to transient vendors, and these vendors are regulated through a resolution passed by the Board of Township Trustees, separate from their Zoning Resolution. According to Jackson Township, the zoning staff is only involved with issuance of the permit; review and enforcement is handled by the police department.
5. Staff recommends the Township consult with their legal counsel to discuss whether adding transient solicitor regulations to the Zoning Resolution is appropriate. If the Township desires to proceed with adding zoning regulations for transient solicitors, the regulations as proposed appear to be truncated and should therefore be completed and

resubmitted to RPC for review. Additional considerations should also be given to the duration of the permit, hours of operation for the solicitor, any additional requirements of the solicitor, and if there are any exemptions to these requirements.

6. Due to the number of concerns with the transient solicitor definition and regulations, staff recommends the Township remove that portion from the proposed amendment and proceed only with the modification for regulations involving fences, walls and hedges at this time. Staff is available at the Township's convenience to discuss the proposed transient solicitor regulation in more detail.

STAFF REVIEW AND RECOMMENDATION:

Based on the above facts, staff recommends **conditional approval** of the text amendment, subject to the removal of all proposed transient solicitor revisions.

PERRY TOWNSHIP ZONING AMENDMENT

December 8, 2020

PE #2, 2020

LOCATION AND DESCRIPTION: Part of one tract, approximately 4.1 acres, located on the north side of Navarre, east of Genoa in the NW ¼ Section 26, Perry Township. (legal description on file with Township).

EXISTING ZONING: R-2 Single- and Two-Family Residential

Uses Permitted: Single-family dwelling; two-family dwelling; public buildings; places of worship; farm markets

PROPOSED ZONING: B-2 Commercial

Uses Permitted: All uses permitted in the B-1 District; retail stores; vehicle repair garage; indoor and outdoor recreational facilities; warehouse; farm market; cold storage plant; printing shop; retail greenhouse; off-street parking lot; assembly hall; animal clinic; hotel; transportation agency and terminal; automobile, truck, trailer and farm implement sales, service, storage and impound lots; skilled games site

PRESENT USE: Single-family /Agricultural

PROPOSED USE: Indoor Golf Facility

APPLICANT/OWNERS: Wayne D. Schafrath/Robert Berryhill – Empirita Development

ADJACENT LAND USE

North: Single-family Residential
South: Single-family Residential/Business/Vacant Land
East: Single-family Residential
West: Single-family/Agricultural

ADJACENT ZONING

R-2 Single- and Two-Family Residential
R-2 Single- and Two-Family Residential/B-1 Office and Retail Business
R-2 Single- and Two-Family Residential
R-2 Single- and Two-Family Residential

FACTS TO BE CONSIDERED:

1. The area proposed for rezoning is approximately 4.1 acres of an 11.48 acre tract, which fronts along the north side of Navarre in Perry Township. The tract is primarily surrounded by single family residential uses. There are two tracts on the south side of Navarre which are operating as businesses, including a convenience store/drive-thru and office building The existing zoning largely matches the surrounding land uses, as the tract is surrounded by the R-2 Single- and Two-Family Residential District, and to the south the two tracts operating as businesses are zoned B-1 Office and Retail Business.
2. According to the application, the purpose of the zone change request is to construct an indoor golf facility on the southern 4.1 acres of the 11.48 acre tract. The concept plan provided indicates that the remaining approximately 7.4 acres to the north may develop in the future as residential with the extension of Standish Avenue. It should be noted that if Standish was to be extended, it would need to meet requirements of the Stark County Subdivision Regulations.
3. The Stark County 2040 Comprehensive Plan designates the future land use of the general area as Developed Suburban.

4. The subject tract appears to have been zoned as low-density residential since the late 1950s and RPC has not reviewed any zoning change requests for the parcel.
5. There have been several zone change requests in this area, including the two tracts to the south which were rezoned from residential to commercial in 1959. RPC recommended denial stating that the applicant's business was operating as a legal nonconforming use established prior to the adoption of zoning, and a zone change request was not necessary to continue the present business operation; however, the Township approved the rezoning. RPC in more recent years has recommended denial on B-2 zone change requests in the area due to the incompatibility of permitted B-2 uses with the surrounding residential area. To the southeast of the subject parcel is a tract operating as a legal nonconforming business, which was established before zoning.
6. Further west of the subject tract along Navarre, between Genoa and Stump, are tracts that transition between the R-2 and B-1 Districts. In general, Genoa has served as the dividing line between residential properties to the east and business uses to the west along Navarre. Based on the land use, this appears to be an appropriate division line.
7. When considering a zone change, the most intensive uses permitted in that district must be considered. The permitted uses allowed in the B-2 District, which include uses such as a transportation terminal, vehicle service and storage, printing shop and hotel could have a detrimental effect on the surrounding area. If the Township is interested in allowing business uses along the Navarre Road corridor, a rezoning scheme should be considered.

STAFF RECOMMENDATION:

After considering the above facts, staff recommends **denial** of the proposed rezoning.

SITE IMPROVEMENT PLAN REVIEW

Apex Dermatology

(Approx. 12,000 sf parking lot, trash enclosure, dumpster pad, walkways and paving)

NE ¼ Section 25, Jackson Township

E side of Executive, S of Munson

Plans by: James A. Wallis, AIA

Owner: Altus Medical Holdings, LLC and Buckeye State Credit Union, Inc.

Grisez Duplexes

(3 approx. 3,360 sf bldgs., patio, paving and 6 access drives)

NW ¼ Section 24, Perry Township

E side of Perry, N of Glenhurst

Plans by: Contour Civil Engineering, LLC

Dev./Owner: BG Custom Homes, Inc.

Glick Auto Sales

(1,320 sf addition, paving and parking)

SE ¼ Section 10, Tuscarawas Township

NE corner of Lincoln/SR 172 & Miami

Plans by: Saeger Architectural Services, LLC

Owner: Dale V. Glick

Starbucks—Whipple/Hills & Dales (Revised)

(924 sf bldg., patio, trash enclosure, walkways, paving, parking and drive modification)

SE ¼ Section 25, Jackson Township

NW corner of Hills and Dales & Whipple

Plans by: GBC Design, Inc.

Dev./Owner: DeVille Developments, LLC

RENEWAL OF PRELIMINARY PLAN

Wicker Creek

SW ¼ Section 1, Plain Township

N side of Werner Church, E of Middlebranch

Approx. Lots Remaining: 35

(CA 12/2016, renewed 12/2018)

By: GBC Design, Inc.

FINAL PLAT REVIEW

Carrington West No. 1

SW ¼ Section 17, Jackson Township

S side of Mudbrook, E of High Mill

Lots: 23 Acres: 45.79

sanitary sewer and Aqua Ohio water

Plans by: GBC Design, Inc.

Dev./Owner: Carrington West, LLC

Devonshire Heights No. 8

(replat of lots 65 and 66 in Devonshire Heights No. 2)

NW ¼ Section 26, Jackson Township

NW corner of Parkdale and Woodhill

Lots: 2 Acres: 1.09

sanitary sewer and Aqua Ohio water

Plans by: E.C. Metzger & Associates, Inc.

Owners: John & Pamela Walsh and Helen M. Berchin

FINAL PLAT REVIEW CONT.

Fairhope Acres No. 2

(replat of lots 19 and 20 in Fairhope Acres)
NW ¼ Section 17, Nimishillen Township
E side of Pilot Knob, S of Easton

Lots: 1 Acres: 1.04

Sanitary sewer and well water

Plans by: E.C. Metzger & Associates, Inc.

Owners: Dustin & Amber Procaro

Village of Middlebranch No. 2

(replat of lots 59 and 60 and parts of vacated
Railway Ave., North St., Dawnwood Ave. and an
unnamed alley in the Village of Middlebranch)

NE ¼ Section 2, Plain Township

N of Williams, E of Middlebranch

Lots: 2 Acres: 4.06

septic systems and well water

Plans by: Bair, Goodie and Associates, Inc.

Dev./Owners: AEP Ohio Transmission Company,
Inc./ EDK Enterprises, LTD.