

A G E N D A

MASSILLON PLANNING COMMISSION

Meeting, Wednesday, March 11, 1981

City Council Chambers - 7:30 P.M.

1. Approval of Minutes for the February 11, 1981 meeting
2. Petitions, Communications, and Requests

Request for Special Land Use

To permit the operation of an auto engine and body repair shop at 246½ Lincoln Way West, subject to Paragraph 1., Section 170.112 "Principal Uses Permitted Subject to Special Conditions" in an I-1 Light Industrial District. The City Law Director has issued a legal opinion that the property in question, although presently zoned B-2 Central Business District, is a legal conforming use as I-1. Requested by Attorney Virgil Musser, as agent for Grant Kowell.

3. Old Business

Request for Special Land Use

To permit the operation of a game room at 112 South Erie Street, subject to the special conditions of Paragraph 2., Section 170.93 "Principal Uses Permitted Subject to Special Conditions" in a B-2 Central Business District. The request was tabled at last month's meeting to obtain a legal opinion regarding the authority of the Planning Commission in reviewing such requests. Requested by Attorney Paul J. Stergios, representing James W. Jacobs.

4. New Business
5. Progress Reports

The Massillon Planning Commission met in regular session at 7:30 P.M., in Massillon City Council Chambers.

Members Present

Fred Wilson, Chairman
Rudy Turkal, Vice-Chairman
Mayor Delbert A. Demmer
Ted C. Willoughby
Bernie Green
Francis Layton
Rev. David Dodson
Mary Helen Schrader

Department Staff

Robert F. Wagoner

Chairman Fred Wilson called the meeting to order at 7:30 P.M. The first order of business was approval of the Minutes for the Commission Meeting of February 11, 1981. There being no additions or corrections, the Minutes stood approved as submitted.

The next item on the Agenda was a request for special land use that was tabled at last month's Meeting. The request is to permit the operation of a game room at 112 South Erie Street, subject to the special conditions of Paragraph 2, Section 170.93 "Principal Uses Permitted Subject to Special Conditions" in a B-2 Central Business District. The request was made by Attorney Paul J. Stergios representing James W. Jacobs, and was tabled in order to obtain a legal opinion from the City Law Director regarding the authority of the Planning Commission in reviewing such requests. This Legal Opinion, listed as No. 8-1981, was attached as part of the Agenda for this month's meeting. This opinion basically states that if a request for a land use meets the special conditions described in the City Zoning Ordinance, the Planning Commission is required to approve this request. However, the Law Director also pointed out that the Planning Commission may impose additional requirements over and above the special conditions, provided that these additional requirements would be necessary to fulfill the spirit and purpose of the Zoning Code.

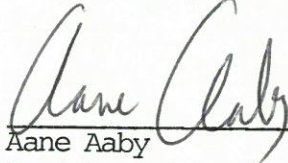
Attorney Fred Stergios was in the audience representing the project. Robert Wagoner stated that he has discussed this project with the City Police Department and they had little reaction to the game room proposal. Philip Francis, owner of the Oasis Lounge, 68 South Erie Street, spoke against the project. He stated that over the years he has built up his business and established his clientele. The opening up of a game room across the street would detract from his business. He also mentioned a parking problem in the area and the need for adequate supervision.

Because this request had been tabled at last month's meeting, Rudy Turkal made a motion to remove this item from the table. Seconded by Mayor Demmer, the motion passed 6-1. Rev. Dodson then objected to the opinion of the Law Director regarding the Commission's authority in reviewing these type of requests. Rudy Turkal stated that the Commission has reviewed the request and found it to be in compliance with the special conditions listed in the Zoning Code. The issue then becomes whether the Commission wishes to place additional requirements on the requested use. After additional discussion, no additional requirements were recommended. Bernie Green then made a motion to approve the request. Seconded by Mary Helen Schrader, the motion was approved 5-2.

The next item on the Agenda was a request to permit the operation of an auto engine and body repair shop at 246½ Lincoln Way West, subject to Paragraph 1, Section 170.112 " Principal Uses Permitted Subject to Special Conditions" in an I-1 Light Industrial District. The City Law Director has issued a legal opinion, No. 9-1981, that states that the property in question, although presently zoned B-2 Central Business District, is a legal non-conforming use as I-1 Light Industrial. In discussing this request, the Commission agreed that no outside storage, particularly junked automobiles, should be permitted at this location. This type of use appears to be highly hazardous for the Central Business District. While discussing the structure on the site, the Commission agreed that the Building Inspector and the Fire Department should check this building to determine if it meets the appropriate codes and regulations. Mayor Demmer made a motion to table this request until next month's meeting and that the Fire Chief and Building Inspector be invited to attend. Seconded by Ted Willoughby, the motion carried.

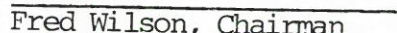
There being no further business to come before the Commission, the meeting adjourned at 9:15 P.M.

Respectfully submitted,



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Assistant Planning Director

Approved,



Fred Wilson, Chairman
City Planning Commission