

The Massillon Planning Commission met in regular session on January 11, 1984, 7:30 p.m. in City Council Chambers. The following members were present:

Fred Wilson, Chairman
Rev. David Dodson, Vice Chairman
Mayor Delbert Demmer
Safety-Service Director Ted Willoughby
Henry Joiner

Rudy Turkal
Pearl Gray
Doris Hintz

The first item of business for the evening was the minutes of the December 14, meeting. The minutes were approved as mailed. The next item before the Commission was Hankins-Valerie Area Annexation - Rezoning. Location: The Hankins, Valerie Area is a 109.528 Acre Tract of land located to the east of Wales Road and to the north of Hankins Road, and consisting of Out Lots No. 552, 553, 554, 555, and 556. The Community Development and Annexation Committee of Massillon City Council has requested the the Planning Commission to investigate and recommend the appropriate zoning district for this area. Under Perry Township Zoning, this area was classified as A-Residential, which permits one-and-two family residential usage.

Councilman T. Roy Roberson spoke on this item first, reporting that the Community Development and Annexation Committee recommends the entire 109 acre tract be zoned R-3. Mr. Roberson quoted Section 170.33 of the Zoning Code:

"Whenever any area is annexed to the City of Massillon, one of the following conditions will apply:

1. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforming with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the City Council and the City Council shall consider same as required by State Law."

He commented further that the land in question is presently zoned A (which allows single family and duplex housing) in Perry Township. However, the C.D. and Annexation Committee, reported Mr. Roberson, is recommending single family zoning classification, exclusively.

Mr. Wilson reported that there had been some concern about this situation. Because City Council's Community Development and Annexation Committee made a recommendation for one type of zoning and we have a request for a rezoning to another type, the Planning Commission had requested an opinion from the City's Law Director. The following questions were asked: (1) Does the Planning Commission have to consider only the zoning which existed while the land was a part of the Township or consider other factors? (2) Can the Commission legally consider the rezoning request from Galen Oakes, or should the request be deferred until after a zoning classification has been assigned? Mr. Ferrero had replied that, (1) the Planning Commission must classify the annexed area in a zoning district most closely conforming with the zoning that existed prior to annexation; and (2) the Planning Commission should not consider any zoning request until final councilmatic action has been taken on the zoning the newly annexed area. Mr. Wilson stated further that even though the Commission would have to follow the recommendations, we would proceed with the Public Hearing on the request. Mr. Aaby presented the rezoning request.

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Location: A 68 acre tract of land, more or less, and located on the east side of Wales Road from Hankins Road northward to Massillon Museum Property and from Wales Avenue eastward to Valerie Avenue, and consisting of Part of Out Lot No. 345, Out Lot No. 509, and Out Lot No. 555. Out Lot 509 and Part of Out Lot 345 are presently zoned R-3 Single-Family Residential. Out Lot No. 555 is part of the Hankins, Valerie Annexation and has not yet been assigned a zoning classification by the City, but was zoned A-Residential by Perry Township. The request is to rezone Part of Out Lot No. 345, Out Lot no. 509, and Part of Out Lot No. 555 to B-3 General Business; and to rezone the balance of Out Lot No. 555 to RM-1 Multiple -Family Residential. The request has been submitted by Galen M. Oakes, President of Oakes Construction, who is proposing to construct a shopping center within the requested B-3 Area. The requested RM-1 Area will be developed for multi-family residential and church use.

Mr. Aaby explained that the developer is proposing a 44 acre, 200,000 square shopping center with parking for 2100 cars. The other section is for a new church and associated housing. Mr. Oakes was present and he addressed the audience. He explained that the plan was a preliminary one and he would be interested in any input from the City and other interested parties. He said that he had met with some representatives of the First Christian Church, some individuals from Springhill Foundation, and two Councilmen to discuss this project. He said that the group would prefer the area to remain as is, but if it would be changed, they did appreciate his asking for their input. Later a planning committee was established with representatives from that group and the Presbyterian Church. He also discussed the preliminary layout with Mr. Spielman, 1st Ward Councilman and Robert Wagoner, City Engineer. He said that he and Mr. Spielman went door-to-door to have the residents view the plans for the proposed shopping center. He commented further that the shopping center would generate between 300-400 jobs, substantial taxes for City and schools. He stated that he would continue to work with the neighbors in the area, be cooperative, make concessions and address concerns. Mr. Oakes commented further that he had retained the firm Harris-Dey Architects. Mr. Harris was also present and explained the design of the shopping center buildings. He displayed a rendering, commenting on the design ideas and site planning of the buildings. Mr. Turkal asked about the type of stores to be in the center. Mr. Oakes, without being specific, indicated there would be a grocery store, place for ladies to buy dresses, among the approximately 25 businesses. Mr. Wagoner gave some statistics on the traffic flow in the area. Mr. Wilson commented that he had petitions containing about 500 signatures and had received numerous calls on the subject. Several residents spoke in opposition of the proposal. The Speakers and some of their comments were:

Gary Miller, 1225 Springhill, N.E., stated that he represented a large group of people who wished to recommend to the Commission against zoning any portion of this area for business and to recommend R-3 for highest and best uses. His concerns were traffic, non preservation of environment, destruction of treeline, and vandalism. commented also that litter and pollution and property devaluation are major concerns. They (his group) feels that B-3 and RM-1 classifications are the least restrictive zoning classifications available. Mrs. Veronica Belmont, 1221 Wales Road, N.E. stated that she doesn't believe that the construction of a shopping center or any other type of commercial enterprise is in the best interest of the City's revitalization effort. She feels that the downtown area should be the target of commercial enterprise, leaving residential areas in tact. Jack Jones, 2545 Hankins Road, N.E., represented Massillon Foundation, owner of Springhill. Mr. Jones read a resolution from Massillon Foundation which cited traffic congestion,

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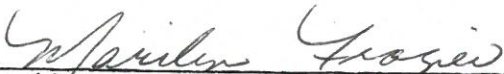
Comments, Jack Jones continued)

vice and fumes, adverse effect on value of present property, including Springhill. The date of the resolution was January 4, 1984. He also passed around a layout showing the closeness of the proposed shopping center to the Springhill Home. He mentioned that tractor-trailers would be supplying the businesses in the area; compressors, trash containers, etc. would be within 300 feet of the Home. William Paulus, 879 Phillips, N.E., addressed the Commission concerning traffic, noise, and incompatible commercial structures. He also commented on the fact that a new shopping center would divert business from the intact shopping areas. Other speakers in opposition were Steven Yost, Atty. for Elizabeth Wales McClain Family, owners of 12 acres in the area; Lois Baxter, representing 1st Christain Church; Richard Brunn, Atty. for Catherine Hess, of Wales Road; Al Roberson, 1051 Wales, N.E.; James A. Huffer, 1712 Hankins Road, Perry Township, whose concern was access to the lane near his property; Richard Jones, 822 Lake, N.E., commented on traffic and children's safety. Dick Proebstle, Otower Road, N.E., commented that his property consist of 26 acres east and north of Springhill and he appreciated the fact that this developer had given opportunity to the area residents for input, whereas some other developer for another type of project may not do this. He expressed some support for the project.

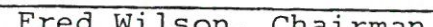
Mr. Oakes replied to the comments that he appreciated the concerns of the people and was willing to do whatever was good for the City of Massillon. Mr. Wilson said that the Commission had a responsibility to recommend R-3 Zoning, but after Councilmatic action, Mr. Oakes or any other developer could request a zone change. Doris Hintz moved to recommend R-3 Zoning for the ea, Pearl Gray seconded, motion carried.

There being no further business, the meeting adjourned at 9:10 p.m.

Respectfully submitted:


Marilyn Frazier, Clerk

Approved:


Fred Wilson, Chairman