

A G E N D A
Massillon Planning Commission
February 11, 1987 7:30 p.m.
Massillon City Council Chambers

1. Approval of the minutes for the Janusty 14, 1987 Commission meeting.
2. Petitions and Requests

Rezoning Request

Location: 2417, 2427, 2431, and 2439 Lincoln Way East, Lots No. 3641, 3642, 3643, 3644, and 3645, to be rezoned from RM-1 Multiple Family Residential to B-1 Local Business to the purpose of developing a strip commercial shopping center. This request was submitted by Carl Oser. It is a revised version of the rezoning request considered by the Planning Commission at its January 14, 1987, meeting.

Rezoning Request

Location: 38 Pearl Avenue, S.E., Lot No. 10003, to be rezoned from R-1 Single Family Residential to RM-1 Multiple Family Residential. This request has been submitted by Todd and Kathey Mays who wish to convert the existing residence into apartment units.

Plat of Lot

Location: North side of Lincoln Way, N.W., west of 23rd Street, N.W.; the purpose of the request is to designate with a new City lot number, an existing parcel of land situated between Lot No. 10178 and Out Lot No. 169. This existing parcel is approximately 7 feet wide and 195 feet deep. This request has been submitted by Peoples Federal Savings and Loan Association, the property owner.

Re-Plat of Lots

Location: Southwest corner of Cherry Road, N.W., and 5th Street, N.W.; including Lot No. 9746, Part of Lot No. 9747, Lot NO. 10456, and Out Lot No. 97. The purpose of the request is to replat these 4 parcels of land into 3 new City Lots. Requested by the owner.

Lot Split

Location: The request is to split off a parcel of land, 50 feet wide and 130 feet deep, from Part of Out Lot No. 298, Located on the north side of Marion Avenue, S.E., between 1102 Marion Avenue, S.E. and 3rd Street, S.E. Requested by owner.

3. New Business

Historic Districts-Proposed City Council Ordinance The Historic Preservation Study Committee of Massillon City Council has introduced an ordinance that would regulate the establishment and preservation of historic districts within the City. This ordinance is being submitted to the Planning Commission for its review and recommendation.

4. Other Business

The Massillon Planning Commission met in regular session on January 14, 1987, in City Council Chambers. The following were present:

Chairman Fred Wilson
Ted C. Willoughby
Dr. Dale Hart
Henry Joiner
v. David Dodson
Mayor Delbert Demmer

Robert Wagoner
Aane Aaby
Marilyn Frazier

The first item of business was the minutes of the November 12, meeting. The minutes were approved as prepared.

The next item under Petitions and Requests was a rezoning request. Location: 2417 and 2427 Lincoln Way, East, Lots No. 3641, 3642, and 3643 (excepting 60 feet off the south end of Lots No. 3641 and 3642). Presently zoned RM-1 Multiple Family Residential, to be rezoned B-1 Local Business for the purpose of constructing a small shopping center. This request has been submitted by Carl Oser. The request was presented by Aane Aaby. Mr. Aaby explained that the property consist of 57,600 square feet and is south of Oak Park Shopping Center. The future land use map shows this area to be transitional. The traffic flow in the area is very high, an excellant area for business. The petition contains 12 of the 25 signatures. Mr. Aaby commented that a petition was also filed against the request, which contains approximately 20 signatures. Mr. Wilson asked about the effect the businesses would have on the residences. Mr. Aaby replied that some type of screening would have to be provided as a buffer. Mr. Oser was present and commented on the request. He commented on the benefits from the project, such as new sidewalks and curbs, and the additional revenue to the City. William Kannel, 141 25th Street, S.E., Massillon, OHio read a petition signed by area residents in oppositon of the request. Don Paris, 2407 Lincoln Way, East commented on the possibility of increased drainage problems. Virginia Paris, 2407 Lincoln Way, East also spoke in opposition, as did Dale Maurer of 129 25th Street, S.E. After much discussion, Dr. Hart moved to recommend denial, the Mayor seconded, motion carried 4-1 with 1 abstention.

The next item of business was also a rezoning request. Location: 55 Forest, S.E., Lot No. 7155, presently zoned R-1 Single Family Residential, to be rezoned I-1 Light Industrial for the purpose of operating a motor vehicle repair business. This request has been submitted by David Armstead. Mr. Aaby presented the request. The building is a pre-existing idustrial type building. This rezoning would create spot zoning in a residential area. Mr. Armstead said he intends to do minor repairs inside the building. Mr. Aaby commented further that at one time the building was used for a dry cleaning plant. He also stated that he was in receipt of a letter of opposition from Frank Clendening, 316 Walnut, S.E. Commission discussed the possibililty of a legal non-conforming use for this business. Mr. Armstead was informed that if he chose to withdraw the request he could probably continue the type of business that he presently is operating as a legal non-conforming use. Mr. Armstead then stated that he would withdraw the request.

The next item of business was also a rezoning request. Location: Mercury Stainless, Inc. Annexation Area, Out Lot No. 588, to be rezoned from Perry Township zoning to I-2 General Industrial. This request was submitted by the City of Massillon. Mr. Aaby presented this request. It was recommended by the Community Development Committee of Council. The Mayor moved to recommend

approval of the request, seconded by Rev. Dodson, motion carried.

The next item was a rezoning request. Location: Rank Farm Annexation Area, Out Lot No. 587, located south of Warmington Street, west of Erie Avenue, South, to be rezoned from Perry Township zoning to I-2 General Industrial.. Mr. Aaby presented this request also. This is the Park Poultry site. This zoning classification was recommended by the Community Development Committee of Council. The Mayor moved for approval, seconded by Henry Joiner, motion carried.

The next request was a rezoning, location: Scortino Annexation Area, Out Lot No. 589, located at 747 17th Street, N.W., to be rezoned from Tuscarawas Township, which has no zoning, to A-1 Agricultural. This request was submitted by the City of Massillon. Mr. Aaby presented the request. He commented that the zoning classification requested was the owner's choice because he has animals and would like to be able to keep them. The area is a five acre tract of land. Rev. Dodson moved to recommend approval, seconded by Ted Willoughby, motion carried.

The next item was a rezoning request. Location: Mill Creek Annexation Area, between Lincoln Way, East and Hankins Road. This area, originally in Perry Township, is proposed for rezoning as follows: Out Lot 590 to be rezoned R-T Two Family Residential, Out Lots No. 591 and 592 to be zoned R-3 Single Family Residential, and Lots No. 14542, 14543, 14544, 14545, 14546, 14547, 14548, 14549, 14550, 14551, 14552, and 14553 to be zoned R-3 Single Family Residential. This request has been submitted by the City of Massillon. Mr. Wagoner presented the request. He gave a brief background of the project and annexation of the property. Dr. Lewis was present. Mr. Joiner moved for approval, seconded by Dr. Hart, motion carried.

The next item was a preliminary and final plat. Mill Creek Run - Location; Part of Out Lot No. 591 and 592 in the Mill Creek Annexation Area, located on the east side of Jackson Avenue, N.E., an 18.1533 Acre tract of land to be developed into 31 single family residential lots. The developers are Jack and Margaret A. Lewis. Mr. Wagoner presented the request. The Mayor commented that the only problem he had with the request was the lack of a road that could be used by emergency vehicles. He had discussed this with the Fire Chief and was told that it was not possible for a fire truck to get into the proposed allotment within the required time limitations. The Mayor then stated that he would move to recommend approval of the preliminary plat, but the final plat would have to be revised to reflect an access road. He then moved for approval of the preliminary plat, seconded by Mr. Willoughby, motion carried.

The next item was the final plat for Mill Creek Annexation Area, The Mayor moved to amend the plat to show the completion of an access road. The road is to be completed prior to the occupancy of any of the homes in the allotment. Mr. Willoughby seconded the amendment, motion carried. Mayor Demmer then moved to approve the plat in its amended form, seconded by Mr. Willoughby, motion carried.

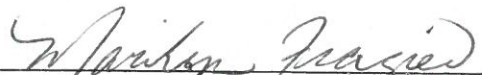
There was an item under Old Business. Location: 524-528 Lincoln Way, Lots Nos. 6890 and 6891, presently zoned O-1 Office, to be rezoned B-1 Local Business. This request was submitted by Bob Spencer, the property owner, who wishes to construct a hamburger stand on this property. This was tabled at the November 12, 1986, Commission meeting. Mr. Spencer was present and

stated that since his submission of the request, he had started having some different ideas about the usage of this property. Due to this fact, he would prefer to withdraw his request.

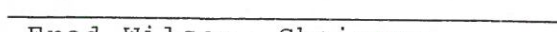
The final item of business for the evening was the election of officers. Mr. Wagoner conducted the election of officers. Fred Wilson was unanimously re-elected as Chairman and Rev. David Dodson was unanimously elected as Vice-Chairman.

There being no further business before the Commission, the meeting adjourned at 9:50 p.m.

Respectfully submitted:


Marilyn Frazier, Clerk

Approved:


Fred Wilson, Chairman

REZONING REQUEST

2417-2439 LINCOLN WAY EAST

LOTS NO. 3641 - 3645

RM-1 to B-1

1603.13
3146.131
3151.636
3156.117
3161.626
3167.137

PR1720AE

-3.46 2759.214
-1.04
-1.20 3035.200
-6.61 3146.132
(6.43)

641a
B, Sur.

MASSIN CORP.

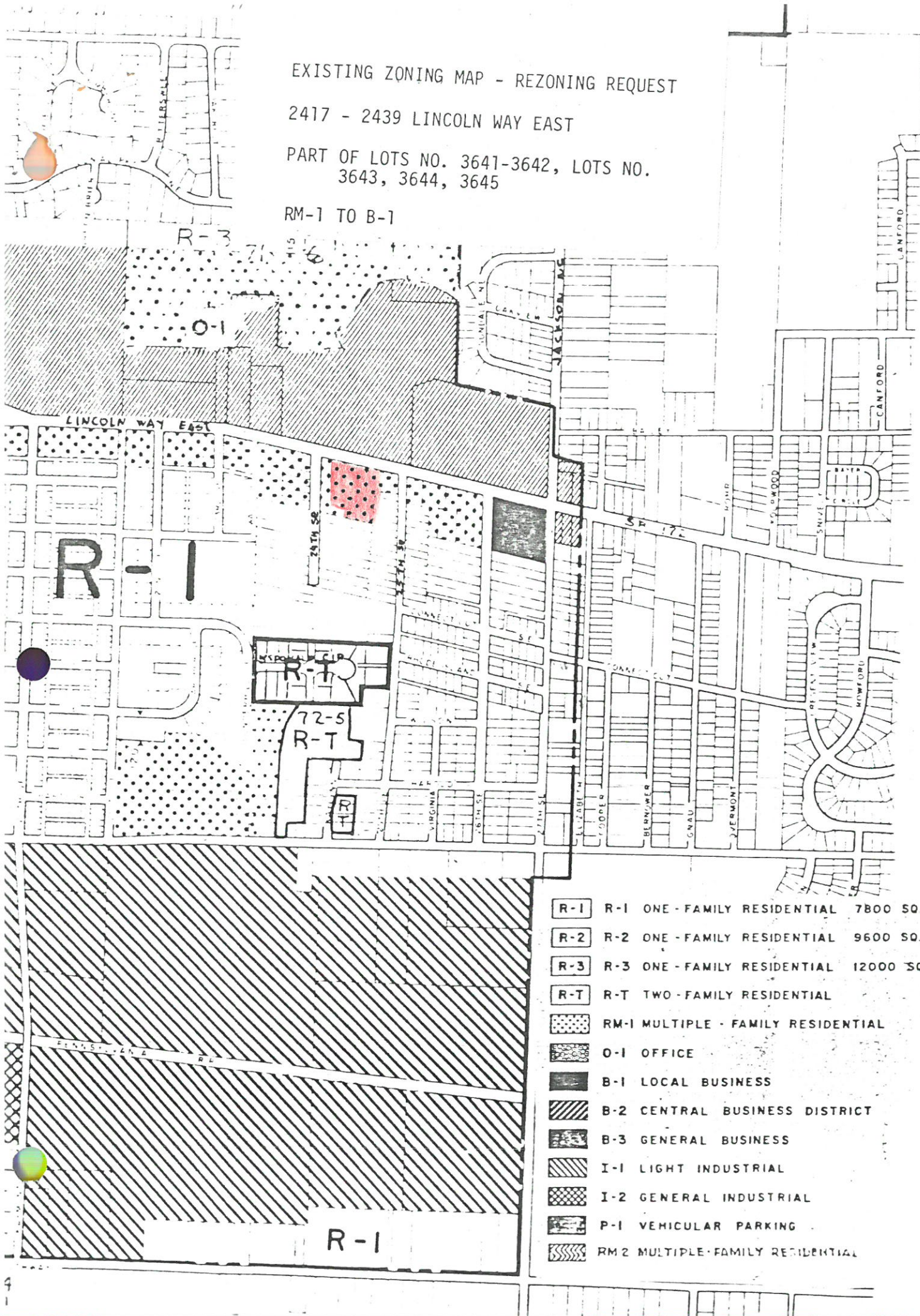


EXISTING ZONING MAP - REZONING REQUEST

2417 - 2439 LINCOLN WAY EAST

PART OF LOTS NO. 3641-3642, LOTS NO.
3643, 3644, 3645

RM-1 TO B-1



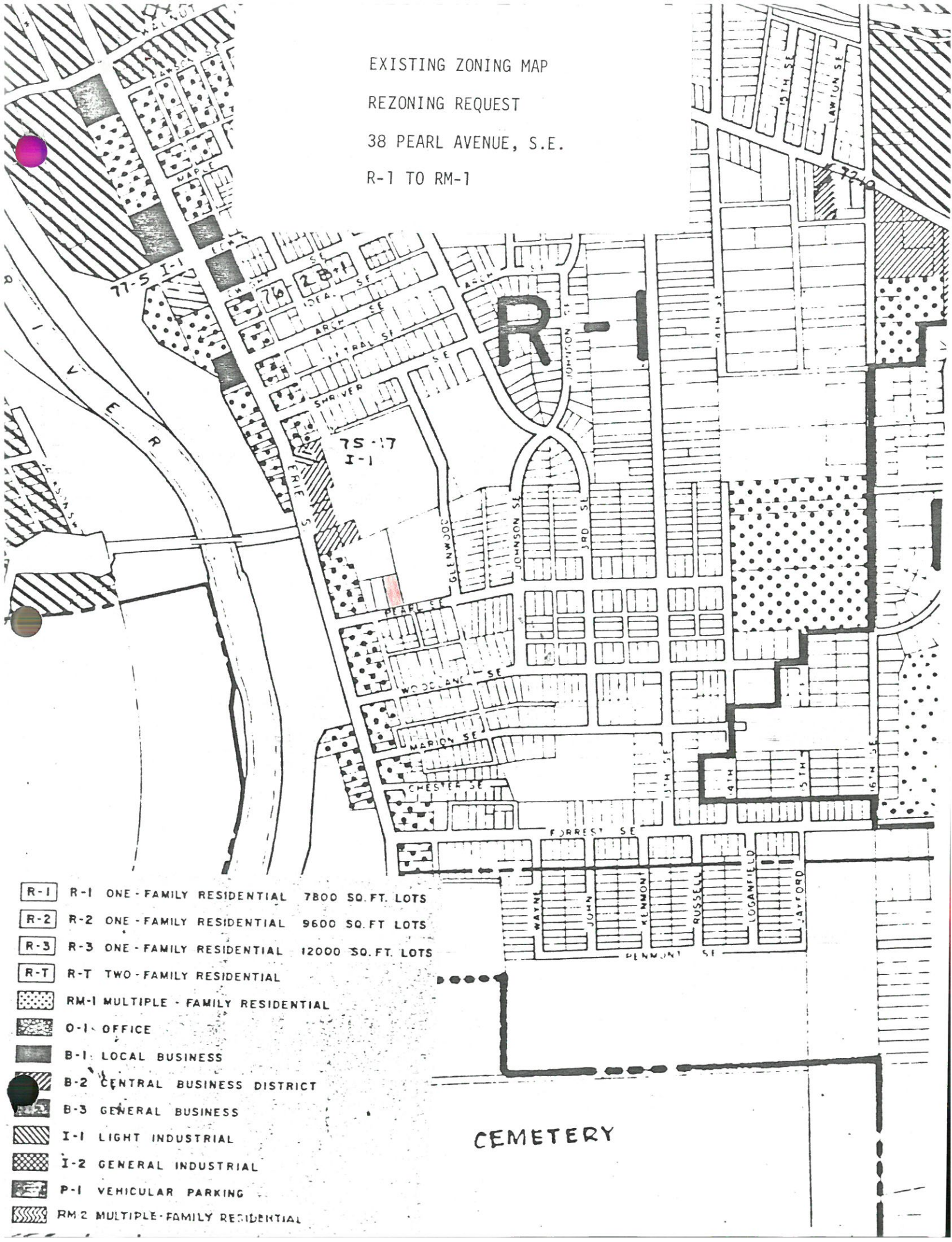
- R-1 R-1 ONE - FAMILY RESIDENTIAL 7800 SQ. FT. LOTS
- R-2 R-2 ONE - FAMILY RESIDENTIAL 9600 SQ. FT. LOTS
- R-3 R-3 ONE - FAMILY RESIDENTIAL 12000 SQ. FT. LOTS
- R-T R-T TWO - FAMILY RESIDENTIAL
- RM-1 MULTIPLE - FAMILY RESIDENTIAL
- O-1 OFFICE
- B-1 LOCAL BUSINESS
- B-2 CENTRAL BUSINESS DISTRICT
- B-3 GENERAL BUSINESS
- I-1 LIGHT INDUSTRIAL
- I-2 GENERAL INDUSTRIAL
- P-1 VEHICULAR PARKING
- RM-2 MULTIPLE - FAMILY RESIDENTIAL

EXISTING ZONING MAP

REZONING REQUEST

38 PEARL AVENUE, S.E.

R-1 TO RM-1





PROPOSED AMENDMENTS TO THE MASSILLON CITY ZONING CODE

CHAPTER 1168 (NEW)

B-4 Planned Business District

SECTION 1168.01 INTENT

The B-4 Planned Business District is designed in order to provide such commercial, office, and multiple-family residential uses that can serve as transitional areas between major thoroughfares and residential districts and to provide for the proper development of such uses adjacent to residential districts through the provision of traffic safety through proper traffic routing, ingress, and egress; the minimization of traffic congestion on public streets through provisions for adequate off-street parking and off-street loading; and the protection of the residential character of neighborhoods through provision of adequate and suitably treated buffer areas at boundaries adjacent to residential areas.

SECTION 1168.02 PRINCIPAL USES PERMITTED

In a B-4 Planned Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the Zoning Ordinance:

- (a) Generally recognized retail businesses which supply commodities on the premises, such as but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
- (b) Personal service establishments which perform services on the premises, such as but not limited to: repair shops (watches, radio, television,

shoe, etc.) tailor shops, beauty parlors or barber shops, photographic studios and self-service laundries and dry cleaners.

- (c) Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- (d) Business establishments which perform services on the premises, such as but not limited to: banks, loan companies, insurances offices and real estate offices.
- (e) Professional services including offices^{+clinics} of doctors, dentists, osteopaths and similar or allied professions.
- (f) ~~Facilities for human care such as hospitals, sanitariums, rest and convalescent homes.~~
- (g) Churches, ~~theaters~~^{+auditoriums} (4 seats to 1 space)
- (h) Branch Post Offices and similar governmental office buildings, serving persons living in the adjacent residential area.
- (i) Restaurants, taverns or other places serving food or beverages except those having the character of a drive-in, except the sale of beer, wine and/or intoxicating liquors as the same are defined in the Liquor Control Act of Ohio, for the consumption on the premises of the seller, shall be prohibited within 500 feet of the nearest property line of any church mission, public or parochial school, hospital or public library.
- (j) Multiple family dwelling units, including mixed-use structures combining multiple family units with commercial or office uses in the same structure.
- (k) Private clubs, fraternal organizations and lodge halls.
- (l) Other uses similar to the above uses.

(m) Accessory structures and uses customarily incident to the above permitted uses.

SECTION 1168.03 REQUIRED CONDITIONS

(a) A tract of land in the City located along any major thoroughfare (as defined in the City Comprehensive Plan) and containing no less than one (1) acre or of a size that can be shown to be feasible to accommodate the proposed use with the required setbacks, ingress and egress, and the intent of the section may be rezoned B-4 Planned Business District.

(b) A preliminary plan shall be submitted along with the request for the zone change. This plan shall contain the following information:

- (1) The location of existing or proposed structures and their intended use, parking areas, drives, walks, landscaping, drainage patterns or structures;
- (2) A schedule or text indicating the total floor area, seating capacities, dwelling units and other quantities relative to the plan; and
- (3) Sketches depicting the general style, size and exterior materials of proposed buildings or remodeled existing buildings.

(c) The Planning Commission shall review the preliminary plan and make a determination that the plan meets the requirements of this chapter for the use and development of such tract and that the plan satisfies the following objectives:

- (1) That the proposed development is located so that reasonable direct traffic access is supplied from principal thoroughfares and so that traffic congestion will not likely be created by the proposed development or will be alleviated by provision of

access thoroughfares.

- (2) That the plan provides adequate and properly managed traffic and parking facilities and landscaping which will fit harmoniously into and will have minimal adverse effect upon the adjoining or surrounding neighborhood.

(d) Upon determination by the Planning Commission that the preliminary plan meets all the requirements incorporated herein, the Commission shall submit its recommendation to Council, which shall hold a public hearing on both the plan and the application for a change in zoning.

(e) Upon approval of the preliminary plan and zone change by Council, a final site plan shall be prepared and submitted to the Site Plan Review Committee, in accordance with Section 1187.09. This site plan may indicate certain adjustments for rearrangements of buildings, parking areas, entrances, heights or yards from that contained in the preliminary plan. Provide that such changes conform to the general standards established in this chapter, such adjustments or rearrangements may be authorized by the Site Plan Review Committee.

SECTION 1168.04 AREA REQUIREMENTS

The following requirements shall apply to a Planned Business District development:

- (a) No building shall exceed two (2) stories or twenty-five (25) feet in height.
- (b) The minimum front yard setback shall be twenty-five (25) feet measured from the street right-of-way line. Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained an unobstructed and landscaped setback of six (6) feet between the nearest point of the off-street parking area, exclusive of

access driveways, and the nearest existing and proposed right-of-way line as indicated on the final site plan.

(c) Side yards and rear yards shall be required only on the outer perimeter property line of the district and shall be twenty (20) feet, except that where the B-4 zone is adjacent to a residential district, the side and/or rear yard on the side or sides abutting the residential district shall be either twice the height of the closest structure abutting said district or thirty (30) feet, whichever is greater.

(d) The planned business development shall be permanently screened from all abutting properties located in any residential district by one of the following methods:

- (1) A masonry wall or solid fence between four and one-half (4 1/2) feet to six (6) feet in height, erected in accordance with Section 1187.07 and maintained in good condition, free of all advertising or other signs; or
- (2) A landscaped greenbelt or buffer area not less than fifteen (15) feet in width, planted with an evergreen hedge or dense planting of evergreen shrubs (Or other acceptable plant materials in accordance with Section 1187.02 or Appendix K) not less than four (4) feet high at the time of planting. This greenbelt or buffer area shall be properly and permanently maintained and landscaped.

~~(e) No interior display areas or facilities shall be visible from the exterior of the building.~~

(f) The outdoor storage of goods or materials shall be prohibited.

(g) Warehousing or indoor storage of goods or materials, beyond that ~~normally~~ incident to the above permitted uses, shall be prohibited.

(h) Signs shall be permitted in accordance with Section 1187.03

(a), subject to the following additional requirements.

- (1) No sign shall project beyond or overhang the wall, or any permanent architectural feature, by more than one foot, and shall not project above or beyond the highest point of the roof or parapet.
- (2) Freestanding accessory signs or advertising pylons shall not be placed closer than 100 feet to any adjacent single family residential district.
- (3) Freestanding, accessory signs may be located in the required front yard.