

SPECIAL MEETING
Massillon Planning Commission
July 1, 1987 7:30 P.M.
Massillon City Council Chambers

The purpose of this special meeting of the City Planning Commission is to review a proposed amendment to the City Zoning Ordinance that would create a new zoning district, to be known as B-4 Planned Business District. The purpose of this new district is to provide for certain commercial, office, and multiple-family residential uses that can serve as transitional areas between major thoroughfares and residential districts. The text of the proposed amendment is enclosed with this notice. The City Law Director has been requested to provide a written legal opinion concerning the proposed amendment. This opinion should be available in time for the meeting.

The proposed amendment that is attached is completely revised from previous draft copies that have been reviewed by the Planning Commission at recent meetings. This newly revised amendment is designed to replace all these previously submitted zoning amendments.

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) Any office, retail business or personal service establishment permitted in an O-1 or B-1 District as a principal use permitted or as a use permitted subject to special conditions.
- (b) Multiple family dwelling units, subject to the following conditions:
 - (1) Mixed-use structures, combining multiple-family with commercial or office uses in the same structure, shall be permitted provided that the particular commercial or office use is not determined to be detrimental to the health, safety and welfare of the residents of the structure.

- (2) Other requirements, such as density, open space and recreational areas, shall be subject to the provisions of Section 1177.01 for RM-1 Districts. The Planning Commission may modify or vary these requirements where cause can be shown that no good purpose would be served by their enforcement.
- (3) Off-street parking for multiple-family dwelling units in a mixed use structure shall be provided in accordance with Section 1183.01.
- (c) Other uses similar to the above uses.
- (d) Other structures and uses customarily incidental to the above permitted uses.

SECTION 1168.03 REQUIRED CONDITIONS

(a) A tract of land located along any major thoroughfare in the City 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 this section may be rezoned B-4 Planned Business District. 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.

(b) 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.

- (c) 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.

- (d) 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 or rearrangements of buildings, parking areas, entrances, heights or yards from that contained in the preliminary plan. Provided 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 tallest structure 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 ($4\frac{1}{2}$) feet to eight (8) 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) Off-street parking and loading shall be provided in accordance with Section 1183.

(f) Signs are the same as permitted and regulated in Section 1187.03.

(g) Exterior shall be provided in accordance with Section 1187.04.

The Massillon Planning Commission met in regular session on June 10, 1987, at 7:30 p.m. The following were present:

Chairman Fred Wilson
Bernie Green
Mayor Delbert Demmer
Dr. Dale E. Hart
Ted Willoughby
Rev. David Dodson
Doris Hintz

Robert Wagoner
Aane Aaby
Marilyn Frazier
Councilman Dave Smith

The first item for the evening was the minutes of the May 13, meeting. The minutes were approved as prepared.

The next item under petitions and requests was an alley vacation. Location: A 12 foot alley lying between Amherst Road, N.E., and First Street, N.E. and running in a north-south direction between Commonwealth Avenue, N.E. and Ertle Avenue, N.E.; the specific request being to vacate that portion from Commonwealth Avenue, N.E., southerly 69 feet to the south property line of Lot No. 806. This request was submitted by Gary Chaddock and D.P. Harrold. Mr. Wagoner presented the request. He stated that there was a garage facing the alley. His only concern was that a drainage easement should be granted if the request was granted. Mr. Harrold and Mr. Chaddock both were present. They both commented that the alley had become a thoroughfare for the area moped riders. Mr. Green commented that he did not see any reason for vacating the alley. After some discussion by the Commission, Rev. Dodson moved to recommend approval of the request to vacate, Ted Willoughby seconded. the motion carried 6-1, with Bernie Green opposing.

It was moved, properly seconded and carried to change the agenda to hear the item Proposed Amendment to the Zoning Ordinance Regulating Shopping Centers prior to the Rezoning Requests.

Mr. Aaby explained that two proposals would be discussed regarding the regulation of shopping centers. One proposal which had been sent with the agenda and one which had been distributed prior to the meeting. One proposal is to create a separate zoning district and the other is to permit shopping centers in B-1 and B-3 Zoning Districts.

The B-4 Integrated Shopping Center District is designed in order to provide for the proper development of shopping centers throughout the City 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 protection of the residential character of neighborhoods through provision of adequate and suitably treated buffer areas at boundaries adjacent to residential areas. This ordinance defines the permitted uses and conditions and area requirements.

The other proposal was for permission of a shopping center in B-1 and B-3 Districts as a special condition. The amendment list the conditions that would have to be met. If these conditions were met the Planning Commission could grant the special use.

Mr. Green complimented Mr. Aaby and Mr. Wagoner on the work put into the development of the Proposed Amendments to the Ordinance. He also asked from what sources this information was obtained. Mr. Aaby replied that he had gotten similar ordinances from other communities and he and Mr. Wagoner had developed what they thought was suitable for Massillon. Carl Oser, a local developer was present and asked Mr. Aaby had the City Law Director reviewed these two proposals. Mr. Aaby responded that the subject had been discussed with Mr. Ferrero. Mr. Ferrero had shown them a section of the Ohio Revised Code giving the Planning Commission the power to develop zoning ordinances. After much discussion on the proposals, Rev. Dodson commented that he felt that the Law Director should review the proposal and give his approval and/or comments in writing. Mayor Demmer then moved to table the item until July 1, which would allow the Law Director to return from vacation, review the proposals and comment on them. Dr. Hart seconded the motion, which was carried. This would also allow Council to hear the proposal at their next meeting.

The next item was a Rezoning Request. Location: 2109-2119 Lincoln Way, East and 125 22nd Street, S.E., Lots No. 4328, 4329, 4330, 4331, to be rezoned from RM-1 Multiple Family Residential to B-1 Local Business. This request was submitted by Carl Oser, this rezoning request was tabled by the Commission at last month's meeting. Doris Hintz moved to lift the item from the table, seconded by Dr. Hart, motion carried. Dr. Hart then moved to re-table the request until the next regularly scheduled meeting. Mayor Demmer seconded the motion which carried.

The next item was also a rezoning request. Location: 2417-2443 Lincoln Way East, Lots No. 3641, 3642, 3643, 3644, 3645, and 4914 (excepting 60 feet off the entire south end of Lots No. 3641 and 3642); to be rezoned from RM-1 Multiple Family Residential to B-1 Local Business. Submitted by Mr. Oser, this proposed rezoning has been previously reviewed by the Commission and recommended for denial. This request was re-submitted by Mr. Oser for reconsideration by the Commission at last month's meeting, but the Commission tabled this request. Ted Willoughby moved to lift this request from the table, seconded by Dr. Hart, motion carried. Mayor Demmer moved to table this item until the next regularly scheduled meeting, seconded by Mrs. Hintz motion carried.

There being no further business, the meeting adjourned at 8:55 p.m.

Respectfully submitted:

Marilyn Frazier
Marilyn Frazier, Clerk

Approved:

Fred Wilson, Chairman

The Massillon Planning Commission met in "Special Session" on July 1, 1987. The following members were present:

Chairman Fred Wilson
Bernie Green
Doris Hintz
Rudy Turkal
Mayor Delbert Demmer
Dr. Dale E. Hart
Rev. David Dodson
Henry Joiner

Staff Present:
Robert Wagoner
Aane Aaby
Marilyn Frazier

Councilman Dave Smith was also in attendance

The first item of business for the evening was the addition to the agenda. The item was a rezoning request. Lot No. 9544, located at the rear of the 1200 block of Lincoln Way, East on the North side of the street, to be rezoned from R-1 Single Family Residential to P-1 Vehicular Parking. This request was submitted by Garry Oakes for the purpose of providing additional offstreet parking for the proposed Eastlin Square Shopping Center. This request was a result of the site plan review meeting for the project. Mr. Aaby presented the request to the Commission. Garry Oakes was present and commented that he had visited most of people in the area. They were in support of the project. Eastlin Square is to be a neighborhood convenience shopping center. The Mayor commented that he felt the project would improve the traffic flow in this area. Mr. Green asked about the similarity of this project and the type of shopping areas to be in the proposed B-4 Zoning. Mr. Wilson replied that they were different because this area was already zoned for Business and the proposed zoning is for areas not zoned for business but is to be more of a transitional zoning. The description was amended to include only the southern portion of Lot No. 9544, which is approximately 60 ft. Mrs. Hintz moved to approve the request in its amended form, seconded by Dr. Hart, motion carried.

The next item before the Commission was to review a proposed amendment to the City Zoning Ordinance that would create a new zoning district, to be known as B-4 Planned Business District. The purpose of this new district is to provide for certain commercial, office, and multiple-family residential uses that can serve as transitional areas between major thoroughfares and residential districts. The City Law Director had been requested to provide a written legal opinion concerning the proposed amendment. Mr. Aaby presented the proposed ordinance which had been revised from previous drafts. He reported that the Law Director had written his opinion of the proposed ordinance. He also distributed copies of Law Director's letter to the members. He said that although the Law Director's letter said the proposed amendment appears valid for its intended purpose and the Planning Commission is within its clear legal duty to investigate and study proposed zoning amendments. The letter also stated, that, "Pursuant to Section 1133102 (a) of the Zoning Code the Planning Commission may require an applicant for a zoning change to provide such plans or other information as may be reasonably required for proper consideration of the matter. There was alot of discussion about the amendment among the members. It was decided that the proposed changes from the Law Director's letter would be made and the Commission would meet again on July 22, to approve the proposed amendment. According to the discussion, the Commission wanted the ordinance to provide for the adequate protection of the residents in the adjacent properties. Dave Smith was present and voiced this concern for the residents and the need for protection of them.

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

Respectfully submitted:

Marilyn Frazier
Marilyn Frazier, Clerk

Approved:

Fred Wilson, Chairman