

A G E N D A
MASSILLON PLANNING COMMISSION
FEBRUARY 14, 1990 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. Approval of the Minutes for the January 10, 1990 Commission Meeting.
2. Petitions and Requests

Rezoning Request

Location: 1425 1st Street, N.E., Lot No. 2550, located on the southwest corner of 1st Street, N.E., and Nish Avenue, N.E.; presently zoned R-2 Single Family Residential, to be rezoned P-1 Vehicular Parking. This request has been submitted by Tom Meldrum, who wishes to utilize this property to provide off-street parking for his business operation located at 1423 1st Street, N.E.

Alley Vacation Request

Location: A 15 foot alley lying between Green Avenue, S.W., and Pike Avenue, S.W., and running in an east-west direction between 4th Street, S.W., and 5th Street, S.W.; specifically, to vacate that portion from the northwest corner of Lot No. 1762 a distance of 150 feet. This request has been submitted by Heidi Weick.

Application for a Permit to Drill Gas Wells

The Belden & Blake Co., 7255 Freedom Avenue, N.W., North Canton, has filed applications for permits to drill two gas wells, described below as follows:

D & M Harwig Community Well #1-3276 - located on the west side of Carmont Avenue, S.W., between Oberlin Road, S.W., and Pigeon Run Avenue, S.W.

C. Oser Community Well #1-3274 - located on the south side of Lincoln Way, N.W., between Noble Avenue, N.W., and 32nd Street, N.W.

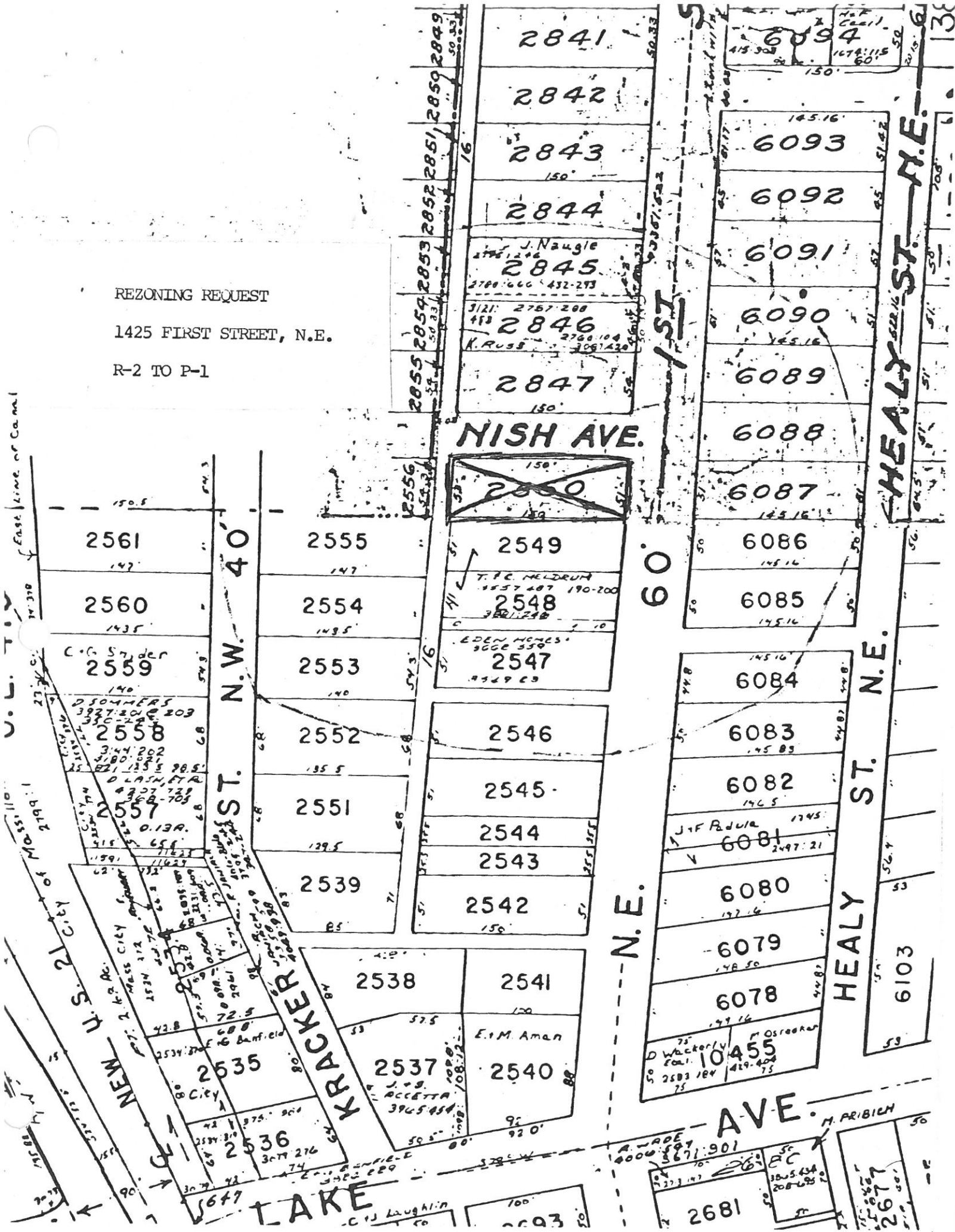
3. New Business

Proposed Zoning Amendment

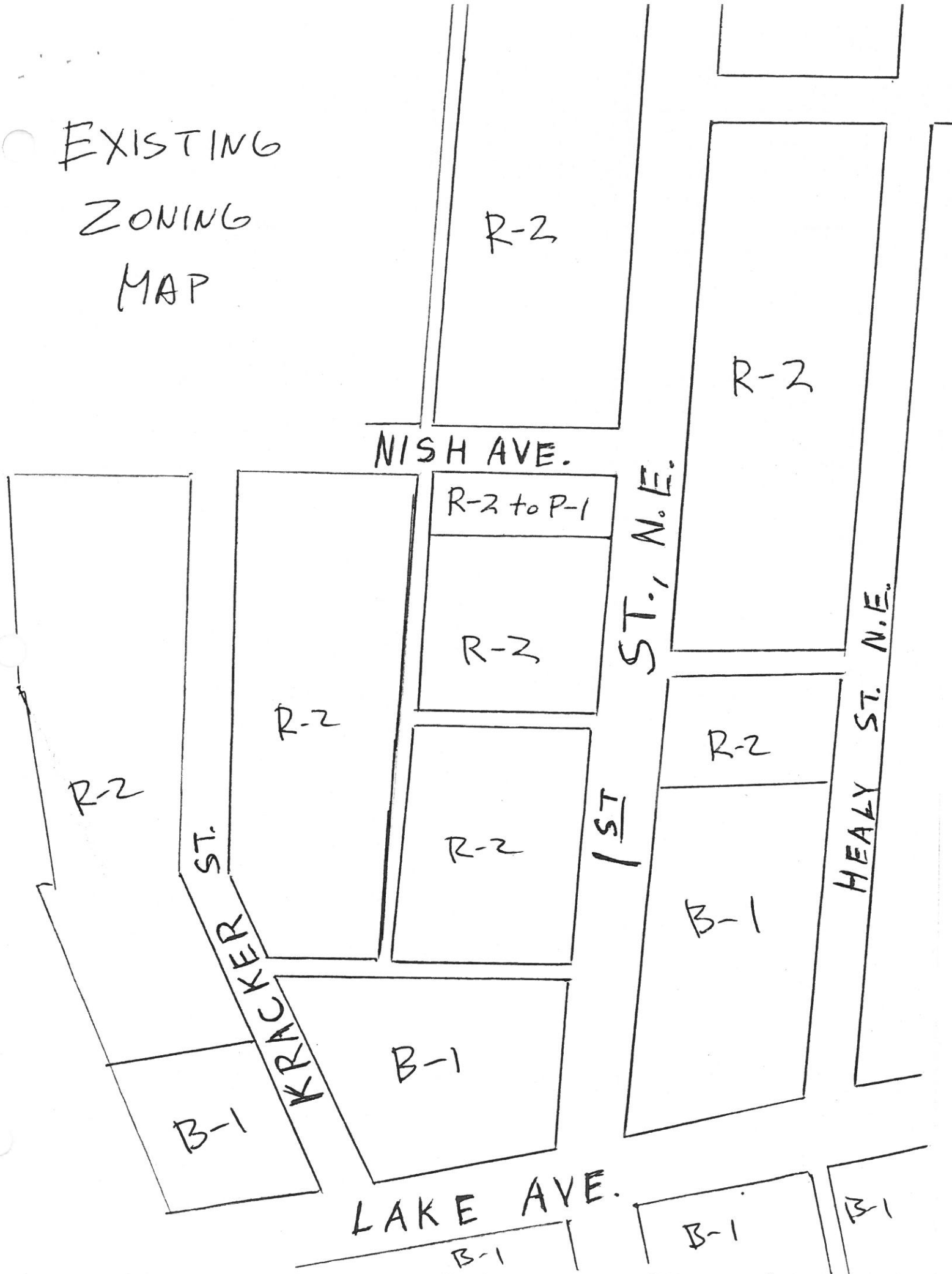
Chapter 1137 "Changes and Amendments", the proposed amendment would enact new Sections 1137.03 "Application Fees" and 1137.08 "Frequency of Applications". These amendments have been submitted by the Community Development and Annexation Committee of City Council.

4. Other Business

R-2 TO P-1



EXISTING
ZONING
MAP

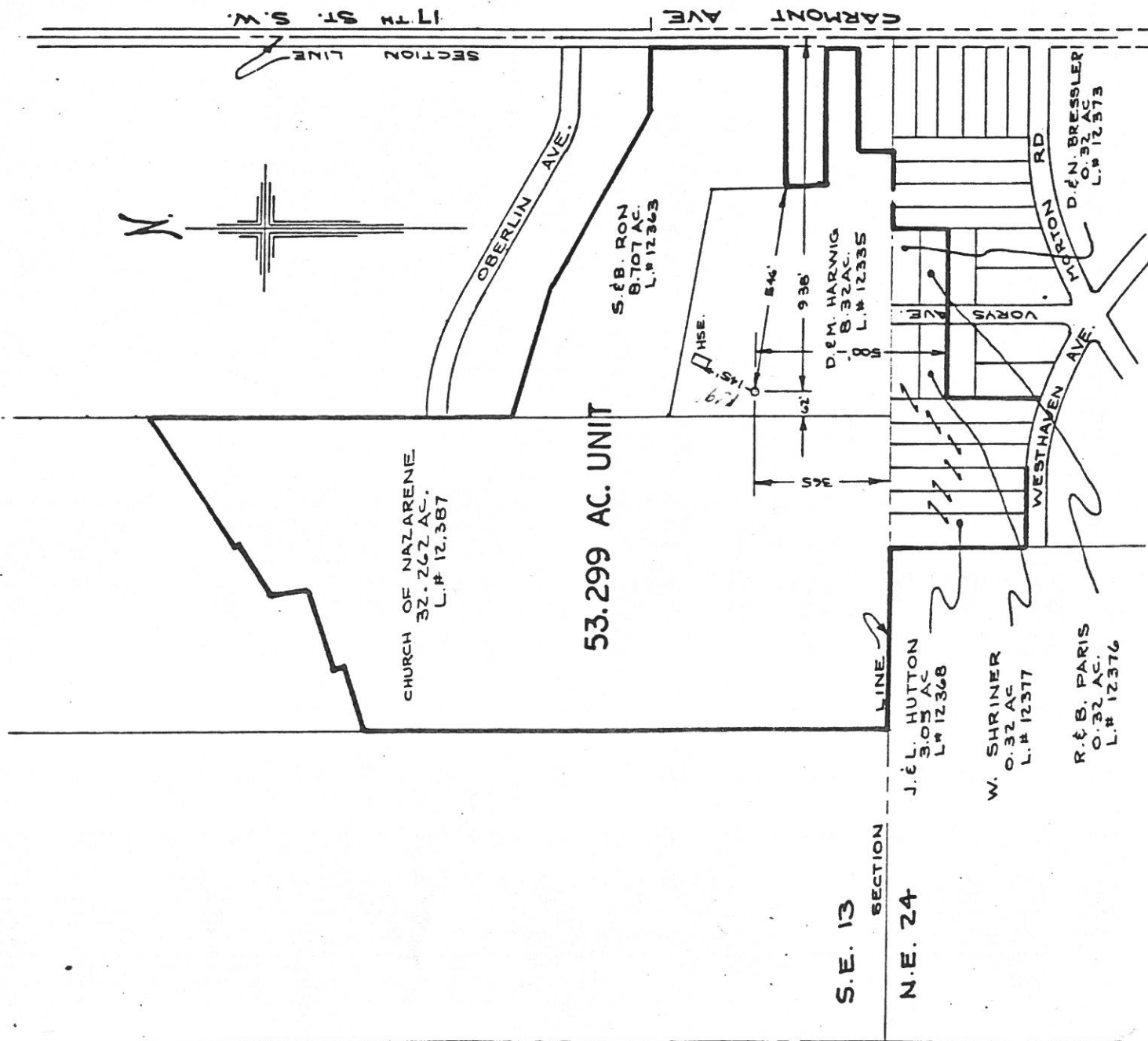


COMMUNITY

I HEREBY CERTIFY THAT ALL DRILLING OR PRODUCING WELLS WITHIN 1000 FEET AND ALL BUILDINGS AND STREAMS WITHIN 150 FEET HAVE BEEN SHOWN, THERE ARE NO DRILLING UNIT LINES NEARER THAN 500 FEET, THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED ACCORDING TO THE CURRENT STATE OF OHIO, DEPARTMENT OF NATURAL RESOURCES, DIVISION OF OIL AND GAS REGULATIONS.

COUNTY-STARK STATE-OHIO.
SIGNED AND ACKNOWLEDGED
BEFORE ME, A NOTARY PUBLIC
THIS 20TH DAY OF NOV., 1989

OHIO CO-ORDINATE SYSTEM
X= 2,263,475 ; Y= 406,460
S.E. QTR. MASSILLON QUAD.



C. OSER

COMMUNITY WELL

No. 1-3274

PLAT OF A PART OF THE S.E.
QTR. SEC. 11, T.12N.
(TUSCARAWAS) R.10W., STARK
CO., OHIO.

PROPOSED WELL TO BE DRILLED
BY BELDEN & BLAKE AND COMPANY
LIMITED PARTNERSHIP NO.

I HEREBY CERTIFY THAT ALL
DRILLING OR PRODUCING WELLS
WITHIN 1000 FEET AND ALL
BUILDINGS AND STREAMS WITHIN
150 FEET HAVE BEEN SHOWN,
THERE ARE NO DRILLING UNIT
LINES NEARER THAN 500 FEET,
THAT THIS PLAT IS TRUE AND
CORRECT AND WAS PREPARED
ACCORDING TO THE CURRENT
STATE OF OHIO, DEPARTMENT OF
NATURAL RESOURCES, DIVISION
OF OIL AND GAS REGULATIONS.

JAY T. DUNLAP-REG. SUR. #6250

COUNTY-STARK STATE-OHIO.

SIGNED AND ACKNOWLEDGED

BEFORE ME, A NOTARY PUBLIC

THIS 1ST DAY OF NOV. 1989

ROBERT F. ROGAL NOTARY PUBLIC

Notary Public, State of Ohio

My Commission Expires January 1, 1994

Recorded in Tuscarawas County

SCALE: 1" = 400' ; 10/30/89

GROUND ELEVATION = 1048

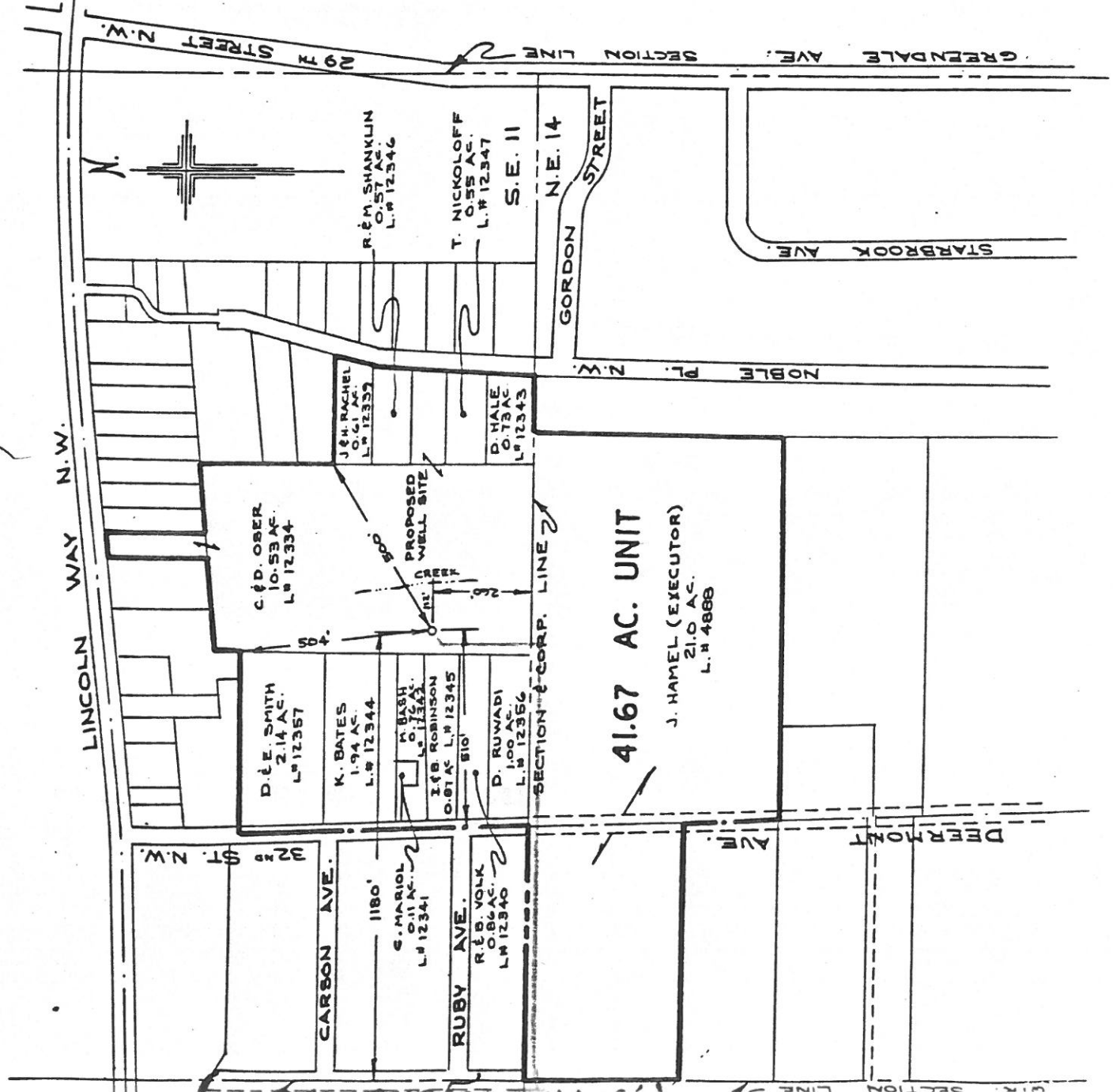
LANDOWNER:

SURFACE: C. & D. OSER

MINERALS: C. & D. OSER

OHIO CO-ORDINATE SYSTEM

X= 2,257,625 ; Y= 411,910



PROPOSED ZONING CODE AMENDMENT

CHAPTER 1137: "Changes and Amendments"

1. Section 1137.03 "Application Fees" shall be deleted and a new Section 1137.03 shall be enacted as follows:

1137.03 APPLICATION FEES

At the time an application for zoning change, petition, and map are filed as provided herein, the applicant shall deposit one hundred dollars (\$100.00) with the Director of Community Development as a fee to cover investigation, legal notices, and other related expenses incidental to the determination of such matter, such fee to be for one lot or part of one lot of record. An additional fee of ten dollars (\$10.00) shall be deposited for each additional lot of record or part of an additional lot of record which may be included in the request. Such additional lot of record or part of lot of record shall be adjacent to each other. Such sums so deposited shall be credited by the City Auditor to the General Fund.

2. Section 1137.08 "Reconsideration" shall be deleted and a new Section 1137.08 shall be enacted as follows:

1137.08 FREQUENCY OF APPLICATIONS

Application for a change in the zoning district of any property of record can be submitted only once in any twelve-month period with the following exceptions:

- (a) If there is a zoning district change made on abutting property or property within 200 feet of the subject property; or
- (b) If, through the action of a public body, the economic use of abutting property or property within 200 feet of the subject property has been changed; or
- (c) If through destruction, demolition or removal of structures, the economic use of abutting property within 200 feet of the subject property has been changed; or
- (d) If because of a procedural error incurred in processing the application by the City, whereby the applicant would not be at fault; or
- (e) If the zone change request is withdrawn by the applicant in a written notice to the Clerk of Council prior to the time that Council schedules a public hearing.

The property owner may then apply to the Planning Commission for a right of rehearing. If the Planning Commission determines that the property owner should have a rehearing by virtue of one or more of the conditions set forth in this section, then the Commission shall notify the Clerk of Council to accept an application for a change in the zoning district(s) of the subject property.

The Massillon Planning Commission met in regular session on January 10, 1990 in City Council Chambers. The following were present:

Chairman Fred Wilson
Mayor Francis H. Cicchinelli, Jr.
Bill Hamit
Thomas Wilson
Dr. Dale E. Hart
Rev. David Dodson
James Johnson

Excused Absence: Jeanette Holloway

Staff present:
Robert Wagoner
Aane Aaby
Marilyn Frazier

The first item of business before the Commission was a rezoning request. Location: The west side of Wales Road, N.E., approximately 120 feet north of Burd Avenue, N.E., consisting of Out Lot 363 and Lot No. 10170, to be rezoned from B-3 Single Family Residential to B-3 General Business. The request has been submitted by William E. Baucom, President of Evans-Baucom & Assoc., Inc., who wishes to utilize the property for general commercial use. Mr. Aaby presented the request. This property is situated within the City of Massillon although the building which houses the advertising business is in Jackson Township. The property consists of approximately 660 feet. The request was before the Commission in 1988 for O-1 Office, which met a lot of opposition. Mr. Wilson asked why they were seeking B-3 instead of O-1 classification. Mr. Aaby replied that he didn't know, when the request was submitted it was with that classification. Rev. Dodson asked if a petition was turned in with the request. Mr. Aaby replied that none had been turned in with the request. Atty. Paul Paulson was present and representing Mr. Baucom. He stated that when this was turned down before he intended to file the case in Common Pleas Court because he felt that he has a valid constitutional argument. He feels that this piece of property represents "spot zoning" and to limit its use is wrong. The Mayor commented that this portion is in the City and the surrounding City zoning is residential. He also stated that the City had no control over township zoning. Several neighbors were present and spoke against the request. Rev. Dodson then moved to table the request until the next meeting to give the Law Director an opportunity to investigate the matter, seconded by Dr. Hart, motion carried.

The next item was also a rezoning request. Location: The south side of Wetmore Avenue, S.E., east of 3rd Street, S.E., and consisting of Lots No. 9393, 9394, 9396, and 9397, to be rezoned from R-1 Single Family Residential to I-2 General Industrial. The request was submitted by W.C. Spencer, who wishes to use the property for an automobile storage and repair business. Aane Aaby made the presentation. The area of the request is very difficult to reach. The area is not suitable for future residential development. The houses in the area are in dilapidated condition. Atty. Edward Gilbert was present and spoke about the request. It was decided that Lot 9395 would be acquired and included in the request. Rev. Dodson moved to table the request until the next meeting to give Mr. Spencer an opportunity to acquire Lot 9395. Dr. Hart seconded the motion, which was carried.

The next item was an alley vacation. Location: A 10 foot alley lying between Wetmore, S.E., and Highland, S.E., and running in a north/south direction between 3rd Street, S.E., and Young Street, S.E. The request was to vacate that portion of the alley from the northeast part of Lot No. 9394 southerly a distance of 143 feet. This request has been submitted by W. C. Spencer. Rev. Dodson moved to table the request, seconded by Dr. Hart, motion carried.

The next item was a Preliminary Plat - Colonial Hills No. 11. Location: a 24.58 acre tract of land located on the west side of Jackson Avenue, N.E., and to consist of a total of 52 lots (zoned R-3 Single Family Residential) and 3,020 lineal feet of streets. The owner is Richard and Charles Gump, the developer is Smith Homes, Inc., and the project engineer is the Poggenmeyer Design Group, Inc.

1/10/90

Mr. Wagoner presented the request. This proposed development is the same area that was approved in 1980. Thomas Wilson moved to approve the request, seconded by Mayor Cicchinelli, Jr., motion carried.

The next item was a Dedication Plat - Erie Street South and Warmington Road, S.W. Location: The dedication of a 10 foot strip on the west side of Erie Street South along the east side of Out Lot 587, and the dedication of Warmington Road, along the north side of Out Lot 587 and the south side of Out Lot 581. This plat has been prepared by the Massillon City Engineer. Mr. Wagoner presented the request. Bill Hamit moved for approval, seconded by Mayor Cicchinelli, Jr., motion carried.

Mr. Wagoner then requested that the preliminary plat for Colonial Hills #3 be added to the agenda. The Mayor moved to add the item to the agenda, seconded by Mr. Johnson motion carried. Mr. Wagoner then presented the request. The development is known as Harvest Run and is part of Out Lot and it consist of 29.04 acres, minimum lot size will be 12,000 square feet. There will be 2,390 lineal feet of streets and 22 lots. The owner is F. Gumpp, Inc. and the developer is Lucius Building Corporation, Inc. The Mayor moved for approval, seconded by James Johnson, motion carried.

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

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

Respectfully submitted:


Marilyn Frazier, Clerk

Approved:

Fred Wilson, Chairman