

A G E N D A
MASSILLON PLANNING COMMISSION
APRIL 11, 1990 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. Approval of the Minutes for the March 14, 1990 Commission Meeting.
(Minutes will be distributed at the meeting.)
2. Old Business

Rezoning Request

Location: 145 Walnut Road, S.W., Part of Out Lot 138, located on the south side of Walnut Road, S.W., between State Route 21 and Erie Street South. The request is to rezone this property from I-1 Light Industrial to I-2 General Industrial to permit the expansion of a presently legal non-conforming auto salvage yard. This request was submitted by Lloyd Deitz, the property owner. This rezoning request was returned to the Planning Commission by City Council for reconsideration.

3. New Business

Rezoning Request

Location: 410 and 422 Wellman Avenue, S.E., Lots No. 1576 and 1578, to be rezoned from R-1 Single Family Residential to P-1 Vehicular Parking. This request has been submitted by the American Legion Post 221, who wish to expand their existing off-street parking area.

Rezoning Request

Location: 721 Lincoln Way East, Part of Lots No. 1460 and 13757, to rezone the northern portion of these lots a distance of 175 feet from the south right-of-way line of Lincoln Way East from O-1 Office to B-1 Local Business. This request has been submitted by Cleme As-Samad, who wishes to operate an antique shop at this location.

Rezoning Request

Location: Part of Out Lot 417, located at the north end of 23rd Street, N.E. (north of Fisher Foods), a 15.139 acre parcel of land to be rezoned from R-3 Single Family Residential, RM-1 Multiple Family Residential, and O-1 Office to R-3 Single Family Residential and RM-1 Multiple Family Residential. This rezoning request has been submitted by Alpha Phi Alpha Homes, who wish to develop a 50 unit elderly housing complex and a 19 lot single family subdivision on this property.

Preliminary Plat - Terrace Hills

Location: Part of Out Lot 417, south of Colonial Parkway N.E., a 9.639 acre parcel of land zoned R-3 Single Family Residential (proposed, see above), to be subdivided into 19 residential lots. Submitted by Alpha Phi Alpha Homes.

Preliminary Plat - Heritage Estates

Location: Part of Out Lot 193, located on the east side of 32nd Street, N.W., south of the City corporation line, a 23 acre parcel of land zoned R-2 Single Family Residential, to be subdivided into 58 residential lots. Submitted by Kim Himmel.

Final Plat - Colonial Hills No. 11

Location: Part of Out Lots 516 and 590, located between 27th Street, N.E. and Fallen Oak Circle, N.E., a 12.23 acre parcel of land zoned R-3 Single Family Residential, to establish a total of 26 lots and dedicate extensions of Wildflower Lane, N.E., Fallen Oak Circle, N.E., and Saw Mill Trail, N.E. Submitted by Poggemeyer Design Group.

Final Plat - Harvest Run

Location: Part of Out 428 and Out Lot 603, between Hankins Street, N.E., and Eastwood Avenue, N.E., a 27.78 acre parcel of land zoned R-3 Single Family Residential, to establish a total of 22 residential lots and to dedicate Harvest Run Circle, N.E. Submitted by Poggemeyer Design Group.

Dedication Plat - Willow Avenue, N.E.

Location: The dedication of Willow Avenue, N.E., a 40 foot wide right-of-way, from 1st Street, N.E., easterly a distance of 701.18 feet. Submitted by the Stark Metropolitan Housing Authority.

Street Vacation

Location: Harold Avenue, S.E., a 50 foot wide right-of-way, lying between 25th Street, S.E., and Virginia Street, S.E., and running in an east/west direction between Harsh Avenue, S.E., and Wilson Avenue, S.E.; to vacate that portion of Harold Avenue, S.E., from 25th Street, S.E., a distance of 141.2 feet easterly. This request has been submitted by James Wiles.

Designation of Downtown Historic District

Location: The proposed district lies generally between North Avenue and Tremont Avenue, from First Street, S.W., and N.W., to First Street, S.E., and N.E. The establishment of such a district would be to promote and protect the historic character and architecture of the buildings located within this area. This request has been submitted by the Massillon Historic Preservation Commission.

4. Other Business

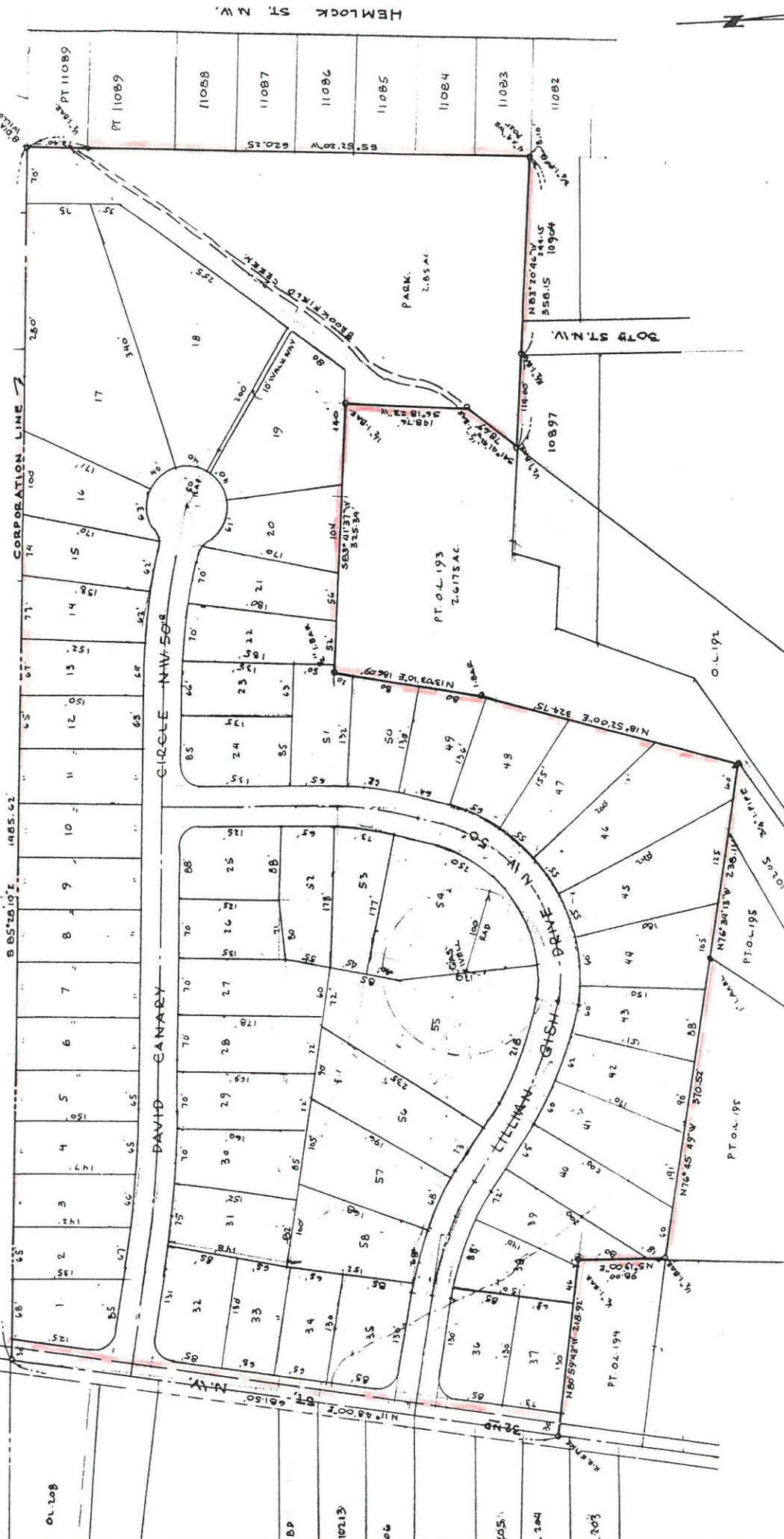
TUSC TWP. NE Q. SEC. 11

TRUSTEES OF TUSC. TWP 9.43AC

D.E. GAINES LUM

E.V. ROSS
7.35AC

S.C.A. HAMIL
1.25AC



HERITAGE ESTATES

PRELIMINARY PLAT

PART O.L. 193, MASSILLON, STARK CO., OHIO

SCALE 1"=100'

ROBT. WAGONER, ENG. & SURVEYOR

COLONIAL HILLS NO. II

PART O.L. 516 AND PART O.L. 590

CITY OF MASSILLON

STARK COUNTY, OHIO

BY

POGEMEYER DESIGN GROUP, INC.

3791 WALES AVENUE NW, SUITE A

MASSILLON, OHIO 44646

216/832-9715

26 LOTS

DATE: MARCH 1990

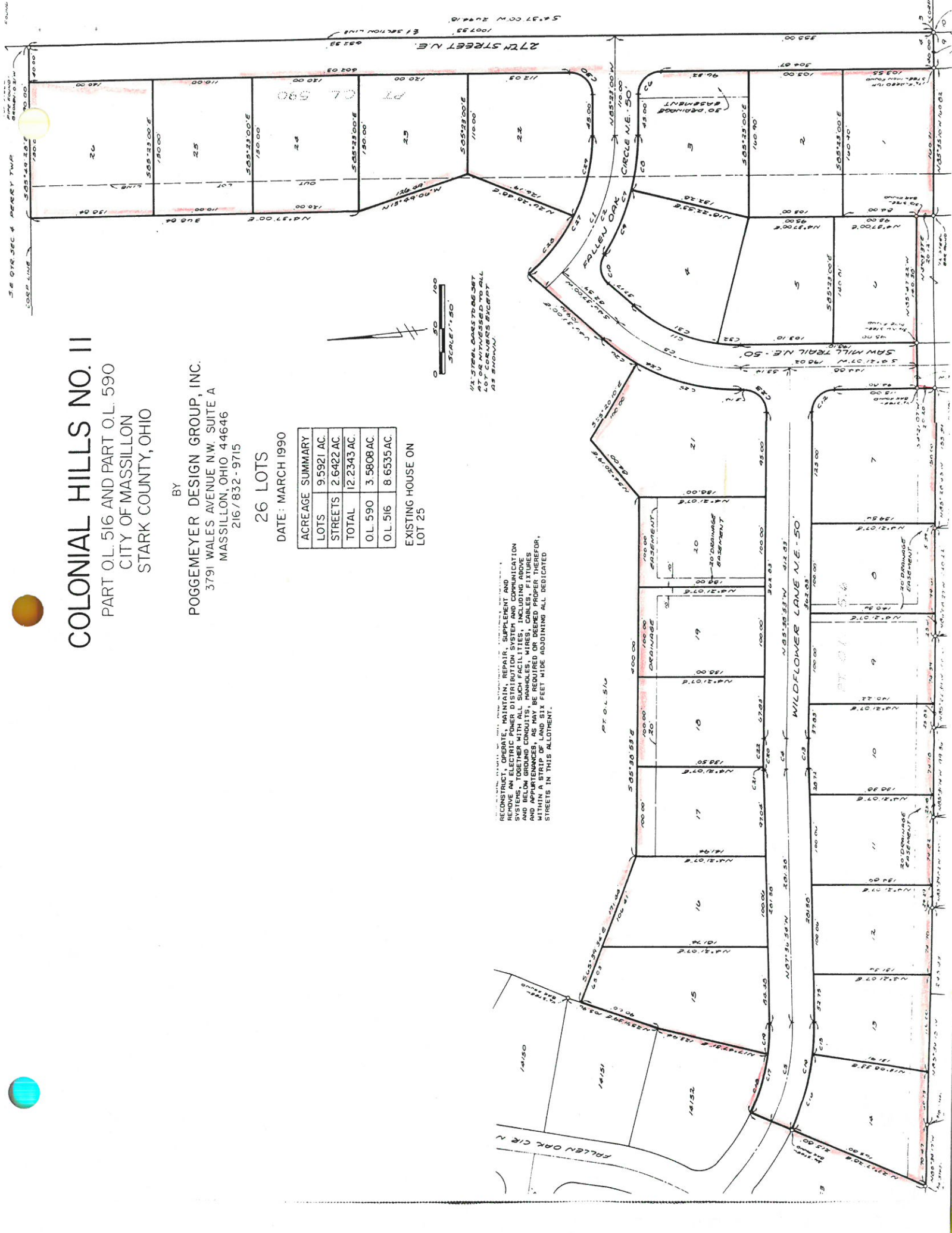
ACREAGE SUMMARY	
LOTS	9.5921 AC.
STREETS	2.6422 AC.
TOTAL	12.2343 AC.
O.L. 590	3.5808 AC.
O.L. 516	8.6535 AC.

EXISTING HOUSE ON
LOT 25

RECONSTRUCT, OPERATE, MAINTAIN, REPAIR, SUPPLEMENT AND REMOVE AN ELECTRIC POWER DISTRIBUTION SYSTEM AND COMMUNICATION SYSTEMS, TOGETHER WITH ALL SUCH FACILITIES, INCLUDING ABOVE AND BELOW GROUND CONDUITS, MANHOLES, WIRES, CABLES, FIXTURES AND APPURTENANCES, AS MAY BE REQUIRED OR DEEMED PROPER THEREFOR, WITHIN A STRIP OF LAND SIX FEET WIDE ADJOINING ALL DEDICATED STREETS IN THIS ALLOTMENT.

SCALE: 1"=50'

1/2" STEEL OAKS TO BE SET AT 10' INTERVALS TO ALL CORNERS EXCEPT AS SHOWN



HORVEST RUN

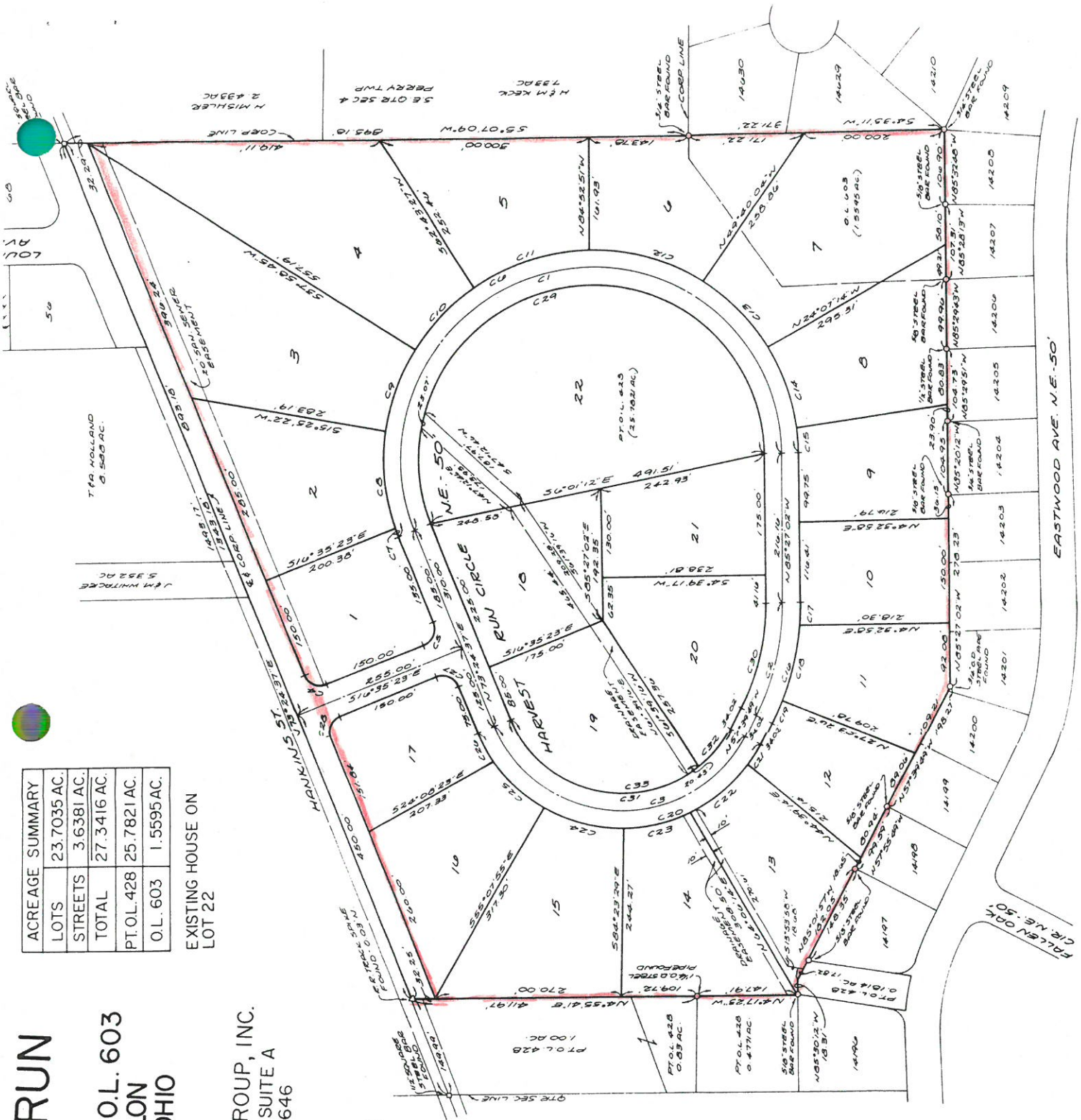
PART O.L. 428 AND O.L. 603
CITY OF MASSILLON
STARK COUNTY, OHIO

BY
POGEMEYER DESIGN GROUP, INC.
3791 WALES AVENUE NW, SUITE A
MASSILLON, OHIO 44646
216/832-9715

22 LOTS
DATE: MARCH 1990

ACREAGE SUMMARY	
LOTS	23.7035 AC.
STREETS	3.6381 AC.
TOTAL	27.3416 AC.
PT. O.L. 428	25.7821 AC.
O.L. 603	1.5595 AC.

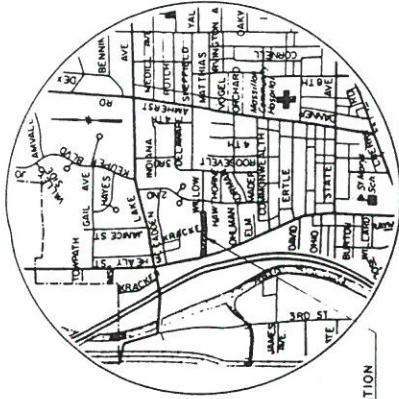
EXISTING HOUSE ON
LOT 22



1/2" STEEL BARS TO BE SET
AT CORNERS TO ALL
LOT CORNERS EXCEPT
AS SHOWN.

A DEDICATION PLAT OF

WILLOW AVENUE N.E.



LOCATED IN
PART OF OUT LOT 72 IN THE
CITY OF MASSILLON
STARK COUNTY, OHIO

SCALE: 1" = 50' APRIL, 1990

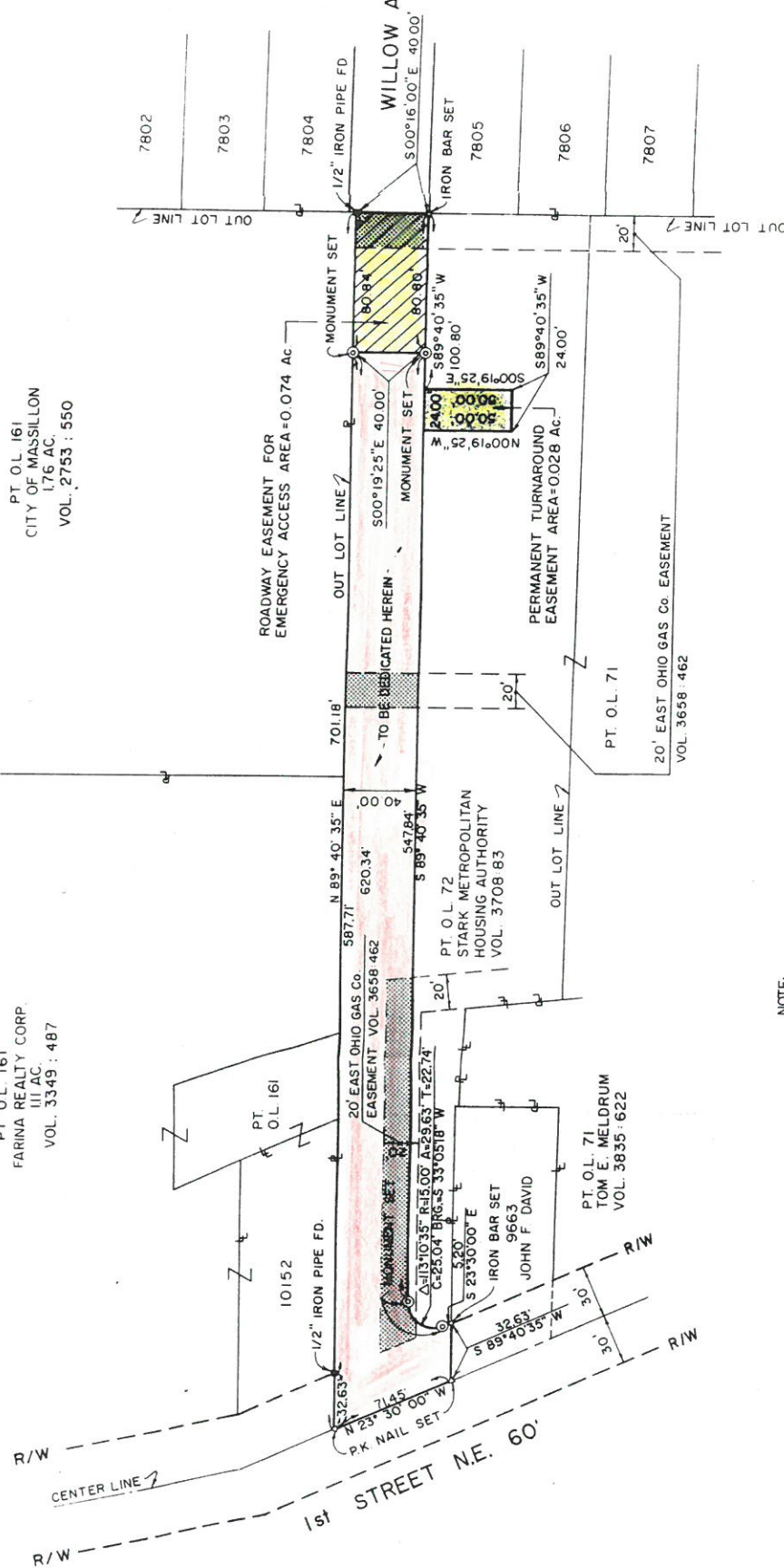


FOR: STARK METROPOLITAN HOUSING AUTHORITY
1800 TUSCARAWAS ST., WEST
CANTON, OHIO 44702
PHONE: 454-8051

PROJECT LOCATION

PT. O.L. 161
FARINA REALTY CORP.
111 AC.
VOL. 3349 : 487

PT. O.L. 161
CITY OF MASSILLON
176 AC.
VOL. 2753 : 550



NOTE:
RIGHT OF ACCESS TO ANY DEAD END
STREET SHOWN HERE ON IS PROHIBITED,
EXCEPT FROM LOTS PLATTED IN CONFORMITY
WITH THE STARK COUNTY SUBDIVISION
REGULATIONS.

PERTINENT DOCUMENTS

PLAT BOOK 16, PAGE 82
DEED VOLUME 2753, PAGE 550
DEED VOLUME 3349, PAGE 487
DEED VOLUME 3658, PAGE 482

SUMMARY OF DEDICATED AREA

AREA DEDICATED IN WILLOW AVE N.E.	0.535 AC.
AREA DEDICATED IN 1st STREET N.E.	0.049 AC.
AREA DEDICATED IN EASEMENT'S	0.102 AC.
TOTAL AREA	0.686 AC.

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Judith B. Williams
Historic Preservation Consultant
877 South Lazelle Street
Columbus, Ohio 43206
614/443-6464

February 13, 1990

R. Jeffrey Day
Chairman
Historic Preservation Commission
City of Massillon
100 City Hall Street, S. E.
Massillon, Ohio 44646

Dear Jeff:

As the consultant to the Massillon Historic Preservation Commission, I recently conducted a survey and evaluation of the historic resources in downtown Massillon. The evaluation included looking at possible boundaries for both local and National Register historic districts in the downtown.

As a result of this effort, it is my conclusion that your proposed boundaries for a downtown Massillon local historic district are reasonable and appropriate.

Furthermore, I have evaluated the district in terms of the criteria set forth in your historic preservation ordinance, and find it to meet the following:

- (1) Its character and interest or value as part of the heritage of the City, the State of Ohio, or the United States.
- (4) Its exemplification of the cultural, economic, social, archeological or historic heritage of the city.
- (5) The portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
- (9) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the city of Massillon.

R. Jeffrey Day
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In addition, the proposed district meets the following three criteria:

- (1) It is enclosed by boundaries, such as streets, freeways, railroads, rivers or open space, which set the area off in relation to its surroundings.
- (2) The area has a high degree of historic integrity, without excessive loss of architectural or historic character.
- (3) The area has an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development according to a master plan, a shared architectural style or design, or a body of architecture illustrating the evolution of architectural styles over a period of time.

If you have any questions about this evaluation, please let me know.

Sincerely,



Judith B. Williams
Historic Preservation Consultant

The Massillon Planning Commission met in regular session on March 14, 1990, at 7:30 p.m. The following were present:

Chairman Fred Wilson
Mayor Francis H. Cicchinelli, Jr.
James Johnson
Jeanette Holloway
Thomas Wilson
Rev. David Dodson

Robert Wagoner
Aane Aaby
Marilyn Frazier

The first item of business was the minutes of the February 14, 1990 meeting. The minutes were approved with one minor correction.

The next item was a rezoning request under old business. Location: The south side of Wetmore Avenue, S.E., east of 3rd Street, S.E., and consisting of Lots No. 9393, 9394, 9395, 9396, and 9397, to be rezoned from R-1 Single Family Residential to I-2 General Industrial. This request has been submitted by W.C. Spencer, who wishes to use this property for an automobile storage and repair business. This request was tabled at the Commission's January 10, 1990 meeting, until certain questions regarding ownership of property have been resolved. Mr. Spencer has submitted the requested documentation. Mr. Aaby made the presentation. He stated that previously Mr. Spencer had not owned Lot No. 9395, but he had since acquired this lot. The structure on the site would be demolished and a fence erected. The area is at the bottom of a hill, not really visible. The Mayor moved to recommend approval, seconded by Rev. Dodson, motion carried.

The next item was an alley vacation. Location: A 10 foot alley lying between Wetmore Avenue, S.E., and Highland Avenue, S.E., and running in a north/south direction between 3rd Street, S.E., and Young Street, S.E. The request is to vacate that portion of the alley from the northeast corner of Lot No. 9394 southerly a distance of 143 feet. This request was submitted by W. C. Spencer and was also tabled at the January 10, 1990, Commission meeting. Mr. Aaby presented this request with the rezoning request. The Mayor moved to recommend approval, seconded by Rev. Dodson, motion carried.

The next item was a rezoning request. Location: 145 Walnut Road, S.W., between State Route 21 and Erie Avenue, South. The request is to rezone this property from I-1 Light Industrial to I-2 General Industrial to permit the use of this property as an auto salvage yard. A portion of this property is presently being used as an auto salvage yard as a legal non-conforming use. This request is being submitted by Lloyd Deitz, the property owner. The property consists of two sections of an out lot. Route 21 runs along the western side of the property. One lot is being used as an auto salvage yard. He recently acquired the other lot and would like to rezone the entire area to expand his business. The property is predominantly surrounded by industrial uses. The City would require a screening fence to be constructed around the yard. The Mayor commented on the City's attempt to improve the area adjacent to the site and asked if a decorating fence could be a stipulation. Mr. Aaby replied that the ordinance required an eight foot obscuring wall. Mr. Dietz questioned the height of the fence. He was told that he would have to comply with the regulation. The Mayor moved to recommend approval would an eight foot fence, Thomas Wilson seconded, motion carried.

The next item was an alley vacation request. Location: A 16 foot alley lying between Oak Avenue, S.E., and South Avenue, S.E., and running in a north/south direction between Erie Avenue, South, and 1st Street, S.E.; the request is to vacate that portion of the alley from the southeast corner of Lot No. 348 northerly a distance of 48 feet to the northeast corner of Lot No. 347. This request was submitted by Thomas and Evelyn Fichter, the property owners. Mr. Wagoner made the presentation. Mr. Fichter owns the land on both sides of the alley. There is a power line there, so it may not be possible

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to build on this property. The department has received one letter of complaint. Mr. Fichter was present and so was his son, Atty. Joel Fichter. Atty. Fichter commented that his father would like to build on this property if it was possible. After some discussion, the Mayor moved to recommend approval, seconded by Jim Johnson, motion carried.

The final item before the Commission was a rezoning request. Location: The South side of Lincoln Way, East from 20th Street, S.E., to 26th Street, S.E., consisting of Lots No. 3636-3645, 3663-3670, 4328-4343, 4578-4983, 4907-4914, 6107-6116; the properties in question to be rezoned from RM-1 Multiple Family Residential to B-1 Local Business. This request has been submitted by Carl Oser, who filed this rezoning in accordance with Chapter 1137.02(a)(2)(B) of the City Zoning Code. A petition is on file containing the signatures of the owners of a majority of the property within the area sought for rezoning. Mr. Aaby made the presentation. The rezoning does meet the requirement to be heard before the Commission. Of the 81 parcels, 49 have signed the petition. Land use on the north side is commercial but the land use on the south side is residential. There are two legal non conforming business in the area, Whisler Plumbing and First Savings and Loan. Mr. Aaby reviewed a memorandum prepared and distributed to the members. (A copy of which is a part of these minutes.) Mr. Johnson asked how many parcels were owned by Mr. Oser. Mr. Aaby replied 10-12. Mr. Oser was present and stated that he owned six parcels. Mr. Oser commented further that the request is contiguous with the area and did not represent "spot zoning". He further stated that the zoning had not changed in this area for thirty years. Robert Burwell was present and spoke in favor of the rezoning request. His address is 222 21st Street, S.E. He commented that he felt that most of the people opposing the request would sell their property if they could get enough money for it. He made reference to cooperation of the City in the development of the north side of Lincoln Way, East. Robert Von Wyl, 2027 Lincoln Way, East was present and stated that the property was not really suitable for residential use anymore because of all the business traffic on Lincoln Way. Gary Thompson, 135 22nd Street, S.E. commented that the rezoning would create alot of problems. Philip Jones, 131 23rd Street, S.E. stated that he had checked out the signatures on Mr. Oser's petition against the ownership records and found some are not the owners of record and quite a few belonged to Mr. Oser and his family. He further commented that this rezoning was not in the interest of the City or the people in the area. He went on to say there are alot of children living in the area. Mayor Cicchinelli, Jr. commented that the issue is causing a division in the neighborhood and that disturbs him. He also stated that Mr. Burwell had made some comments about Oakpark Shopping Center, which did not require a rezoning to be developed. The area was already zoned for business development. He also commented that public officials had a responsibility to the people, therefore, he and other public officials were very much concerned about what concerned the residents. Kathy Ratko, 156 24th Street, S.E. spoke on the drainage problems. Dorothy Shertzer 1906 Vermont, S.E. stated that she had lived in her home for 45 years and did not want business in this area. Chris Jones commented that she is concerned about her children and other children in area and their safety. William E. Kannel 141 25th Street, S.E. was present and spoke against the request. Carla Oser 2109 Lincoln Way, East was present and defended the rezoning and all remarks made by others against her father. Mr. Von Wyl commented that the traffic on Lincoln Way, East needs to be slowed down. Laurel Kulesek, 150 24th Street, S.E. commented that she agreed with the memo read by Mr. Aaby. She also commented on the water problems in the area, especially her back yard. Vince Butler, 122 23rd Street spoke against the request, as did Al Climer, 2039 Lincoln Way, East and Dale Maurer, of 129 25th Street, S.E. Mrs. Holloway commented that with Lincoln Way, East being a thoroughfare, this problem would continue. She suggested that a

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committee be formed to meet with the Administration regarding some of the problems in the area. Thomas Wilson then moved to recommend denial, seconded by Jim Johnson, motion carried 4-2, with Rev. Dodson and Jeanette Holloway voting against the motion.

There being no further business, the meeting adjourned at 9:35 p.m.

Respectfully submitted:

Marilyn Frazier
Marilyn Frazier
Clerk

Approved:

Fred J. Wilson
Chairman