

A G E N D A
MASSILLON PLANNING COMMISSION
MAY 9, 1990 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. Approval of the Minutes for the April 11 Commission Meeting.
(Minutes will be distributed at the meeting.)
2. Petitions and Requests

Replat of Lot 7694 and Part of Lot 7693

Location: 839 Commonwealth Avenue, N.E., located at the southwest corner of Commonwealth Avenue, N.E., and 9th Street, N.E. This request has been submitted by Marjorie West.

3. Other Business

1st Ward
Tim Bryan

2nd Ward
William L. Aman

3rd Ward
Charles A. Tribbett, Sr.

4th Ward
T. Roy Roberson

5th Ward
Mark F. Van Voorhis

6th Ward
Tom Brennan

Massillon City Council

100 City Hall St.
Massillon, Ohio 44646
830-1734

President / John H. Fries

Council-at-Large

Larry R. Kracker

Richard F. Maier

Charles E. Spielman

Clerk
Sharon K. Howell

April 3, 1990

MR. Fred Wilson
Chairman Massillon Planning Commission
P.O. Box 568
Massillon, Ohio 44648-0568

Dear Mr. Wilson,

Attached please find a copy of Ordinance No. 53 - 1990 which was brought on the floor of Massillon City Council on April 2, 1990. Upon a request of Councilman Tom Brennan, Councilman Mark VanVoorhis moved that this ordinance not be read and be sent back to the Planning Commission for further study. This motion was seconded by Councilman Roberson and received a roll call vote of 9 yes votes.

If you have any questions, please feel free to contact myself, Councilman Tom Brennan or Councilman Mark VanVoorhis.

Very truly yours,

SHARON HOWELL
CLERK OF COUNCIL

CC: Councilman VanVoorhis
Councilman Brennan
Mr. Aane Aaby - Planning Department

DATE: April 2, 1990

CLERK SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 53 - 1990

BY: THE COMMUNITY DEVELOPMENT AND ANNEXATION COMMITTEE

Title: AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a tract of land from I-1 Light Industrial to I-2 General Industrial, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, OHIO, IN REGULAR SESSION SITTING: TWO-THIRDS OF THE MEMBERS CONCURRING:

Section 1:

That it is hereby determined to be in the best interest and promotion of the general health, safety and convenience, comfort, prosperity and welfare of the community to change the designation of the area set forth in Section 2 hereof from I-1 Light Industrial to I-2 General Industrial. Said rezoning was recommended by the Planning Commission of the City of Massillon, Ohio, on March 14, 1990 and that notice and public hearing has been given according to law.

Section 2:

That the City of Massillon, Ohio, Zone Map as identified by Section 1151.02 of the Massillon Code of 1985, be and it hereby is amended to show the following described area as I-2 General Industrial:

Being known as Part of Out Lot No. 138, located at 145 Walnut Road S.W., in the City of Massillon, State of Ohio, County of Stark.

Section 3:

That this Ordinance is declared to be an emergency measure in that the use herein provided for is essential to the proper community growth and hence immediately necessary for the preservation of the health, safety and welfare of the community. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 1990

ATTEST:

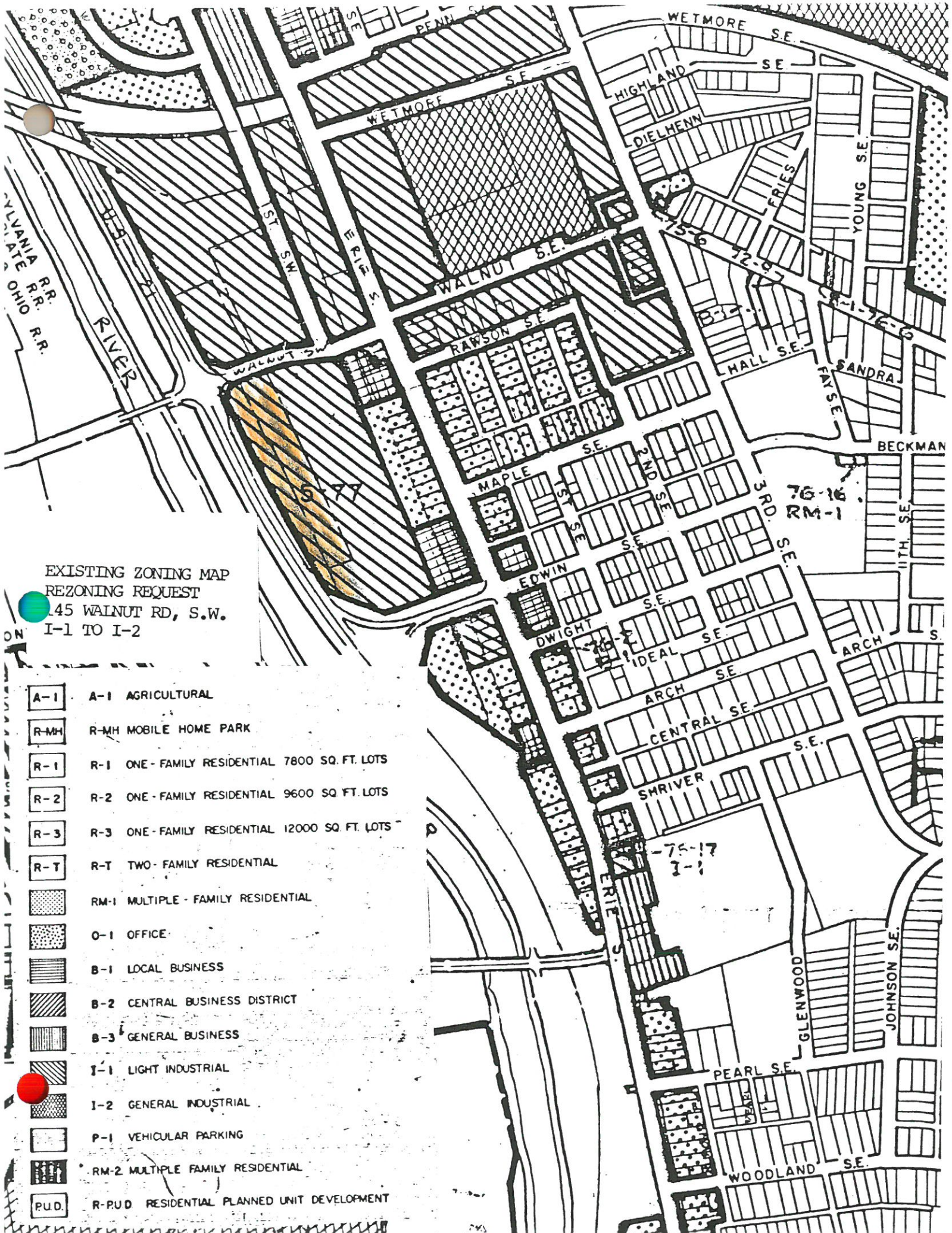
SHARON HOWELL, Clerk of Council

JOHN H. FRIEG, President of Council

APPROVED:

FRANCIS H. CICCHINELLI, JR., Mayor

I-1 TO I-2



EXISTING ZONING MAP
REZONING REQUEST
45 WALNUT RD, S.W.
I-1 TO I-2

- A-1 A-1 AGRICULTURAL
- R-MH R-MH MOBILE HOME PARK
- 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 RM-1 MULTIPLE-FAMILY RESIDENTIAL
- O-1 O-1 OFFICE
- B-1 B-1 LOCAL BUSINESS
- B-2 B-2 CENTRAL BUSINESS DISTRICT
- B-3 B-3 GENERAL BUSINESS
- I-1 I-1 LIGHT INDUSTRIAL
- I-2 I-2 GENERAL INDUSTRIAL
- P-1 P-1 VEHICULAR PARKING
- RM-2 RM-2 MULTIPLE FAMILY RESIDENTIAL
- P.U.D. R-PUD RESIDENTIAL PLANNED UNIT DEVELOPMENT

City scraps junk yard's zoning plea

By DENNY HIGBEN
Independent Staff Writer

The Walnut Road auto salvage yard issue was derailed Monday night, knocked off the legislative track by loud objections from citizens and councilmen alike.

So strong was resistance to plans to double the size of the salvage yard that Sixth Ward Councilman Tom Brennan wanted to bring it to a vote during Monday's City Council session so he could vote against it.

"The sooner we can dispose of it," Brennan said, "the better."

The Massillon Auto Salvage Co., operating as a non-conforming use at 145 Walnut Road S.W., has asked for general industrial zoning for its entire operation. It has been on the 1.3-acre tract at the intersection of Walnut and Ohio 21, and wants to expand onto an adjacent 2.1-acre parcel. The firm already has prepared the land for use and has moved some junk cars onto it, city officials said, but has been complying with orders to remove the cars until the zoning issue has been resolved.

Councilmen and citizens howled at the premature actions of the firm.

Local resident Frank Clendening called it "brazen" that the company already graded the property and moved wrecked cars onto it.

The firm "seemed to take for granted the rezoning is 'in the bag,'" Clendening said.

Fifth Ward Councilman Mark VanVoorhis called the firm's actions a "travesty and an insult to the people of this community."

Sam Daut said that, as a businessman, he can sympathize with the owner's desire to improve his business, but "Massillon has more than enough salvage yards."

Daut, owner of Diversified Glass & Mirror on Cherry Road N.W., said he was speaking as someone who lived near a junkyard for many years. He noted they can be breeding grounds for rats and mosquitoes and can cause environmental damage.

An attorney representing Boerner Glass also spoke against the rezoning, saying the company "has no respect" for the community.

City Law Director Tom Ferrero

■ See COUNCIL, Page 6

Massillon Evening
Independent

April 3, 1990

Council ...

suggested that, instead of the issue being given first reading by council and scheduled for a public hearing, it be returned to the Massillon Planning Commission for reconsideration. The planners recommended the rezoning be approved at their last session.

The firm could withdraw its request for rezoning, Community Development Director Aane Aaby said. Then, it could continue to operate on its original parcel as a non-conforming use. But it could not expand onto the additional two acres.

OWNER Lloyd W. Dietz

ADDRESS OF PROPERTY: 135 Walnut Road, S. W., Massillon, Ohio

DATE OF INSPECTION: 3-28-90

RE: 135 Walnut Road, S. W., Massillon, Ohio
Lot: 2.01 acres of OL 138

The above property is located in I-1 Light Industry.

For the property to be used as a "Junkyard", it must be rezoned as I-2 General industrial District.

At this time, you are proceeding with the rezoning of this property; but until it has been officially rezoned, you may not use it to store automobiles, trucks, campers or any part or parts thereof.

The Building Department is requesting that the property in question be cleared of all automobiles, trucks, campers, and all related parts of these vehicles.

A re-inspection of this property will be made in twenty (20) days after receipt of this letter.

If you have any questions on this matter, you may call the Building Department, Monday through Friday from 8:30 A.M. until 4:30 P.M. at (216) 830-1724.



Donald F. Harris
Building Inspector

DFH/ch

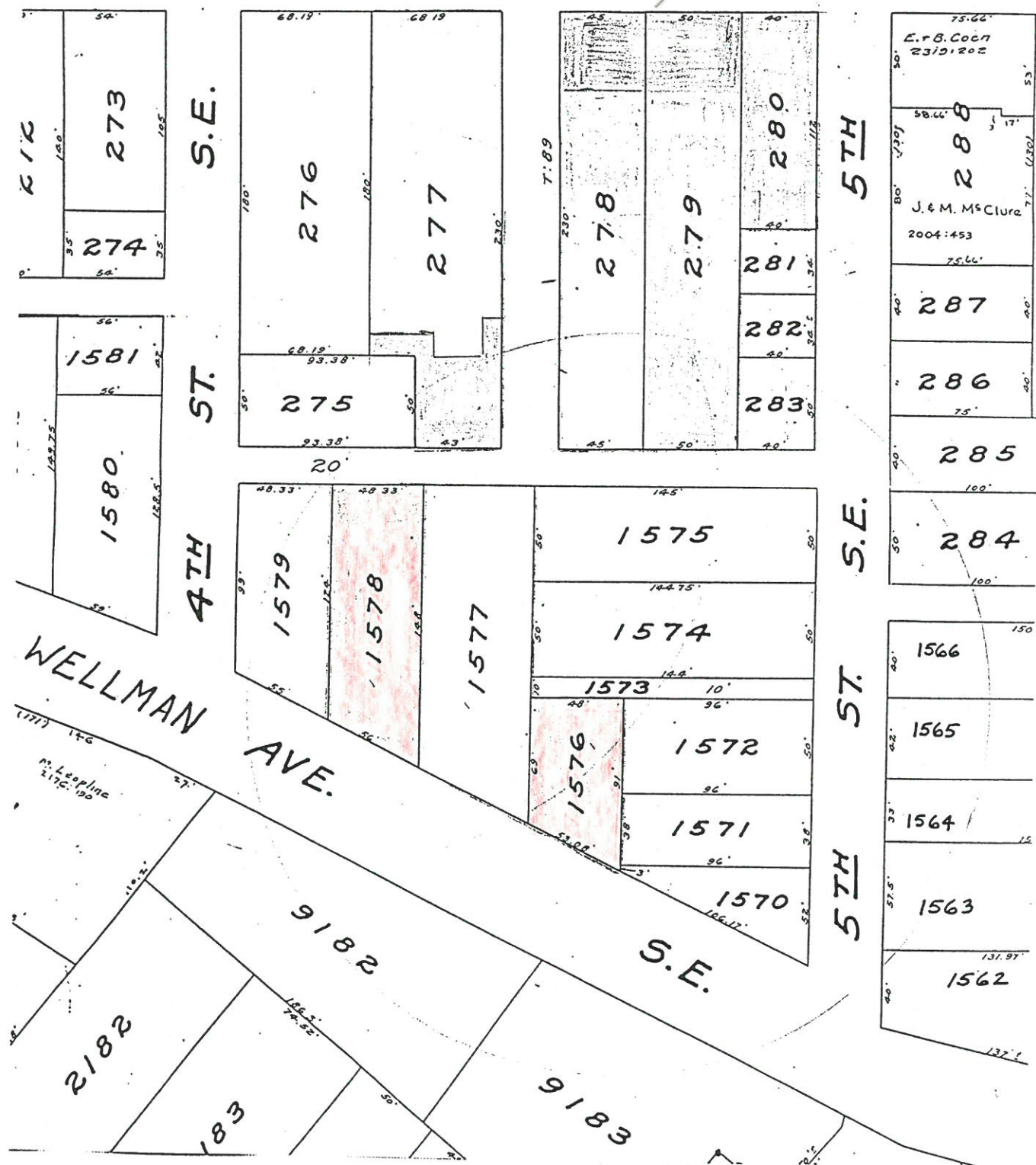
Enclosures: Three enclosures

cc: Files
cc: Safety Service Director, Bill Hamit
cc: Community Development Director, Aane Aaby
cc: Fourth Ward Councilman, T. Roy Roberson

Certified Letter # P 723 138 034

I

LINCOLN WAY E.

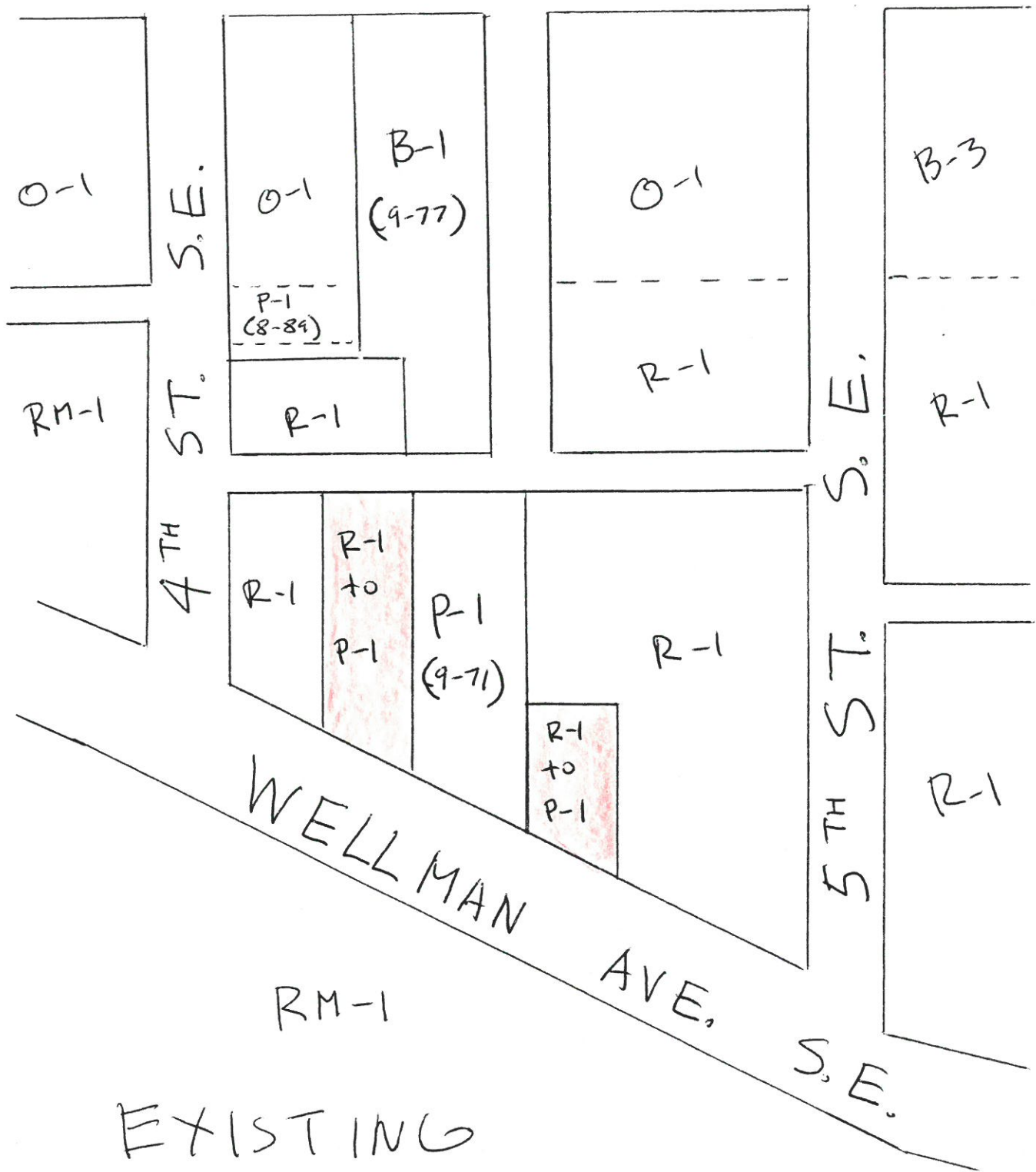


REZONING REQUEST

LOTS NO. 1578 & 1576

R-1 TO P-1

LINCOLN WAY EAST



EXISTING

● ZONING MAP

"IN PEACE AS IN WAR WE SERVE"

THE AMERICAN LEGION



MASSILLON POST NO. 221

427 LINCOLN WAY EAST - - P.O. BOX 590

PHONE (216) 833-4545 - - MASSILLON, OHIO 44648

Re: Zone change application on Lots 1578 & 1576

The two properties rest on the East and West sides of our existing parking lot.

We wish to remove the two houses and expand our parking lot.

In this way we will be able to eliminate the street parking of our members and customers.

The parking lot will be black top with fences on both sides to shield the other properties.

N.E.

5. 3. 6

ト

72

WELLMAN

AVE.

LINCOLN

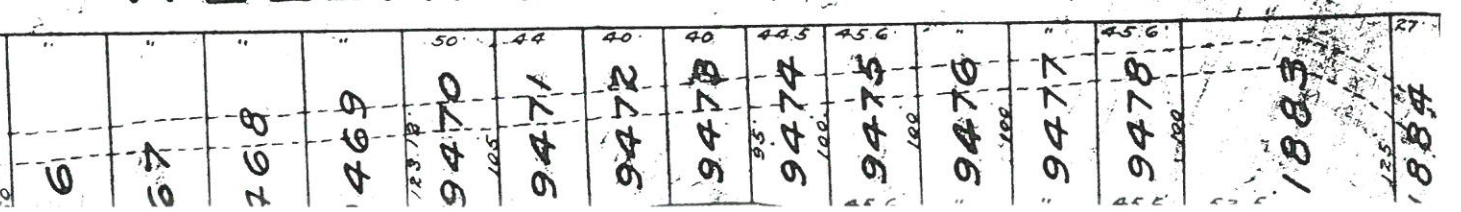
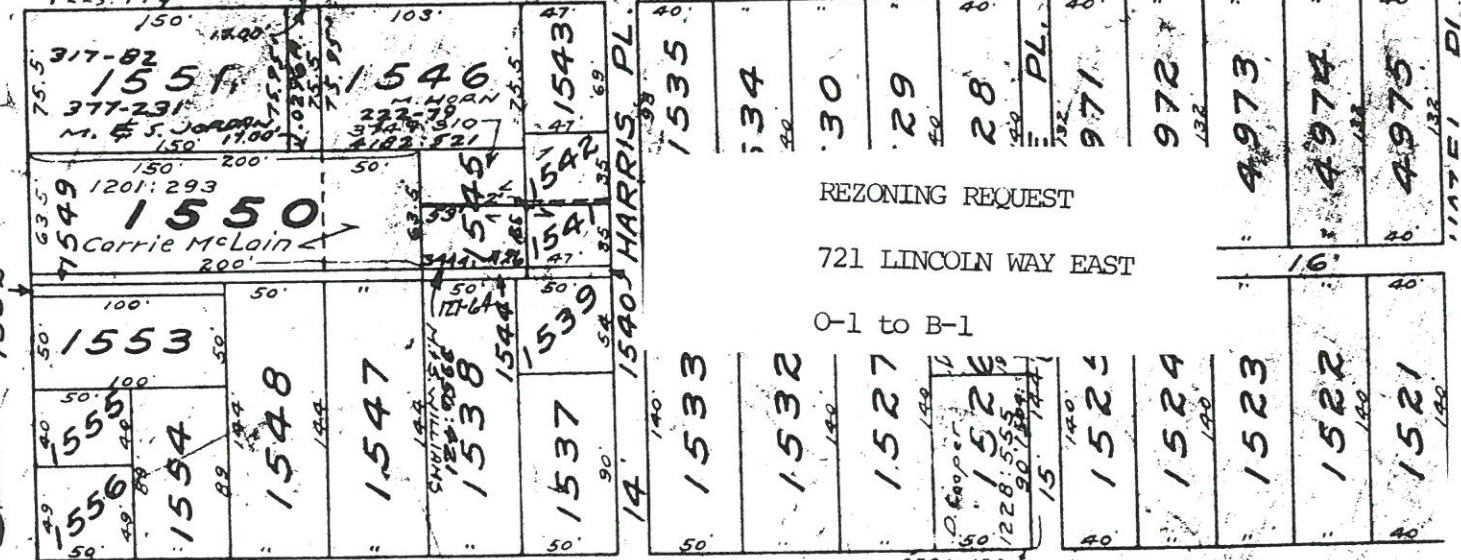
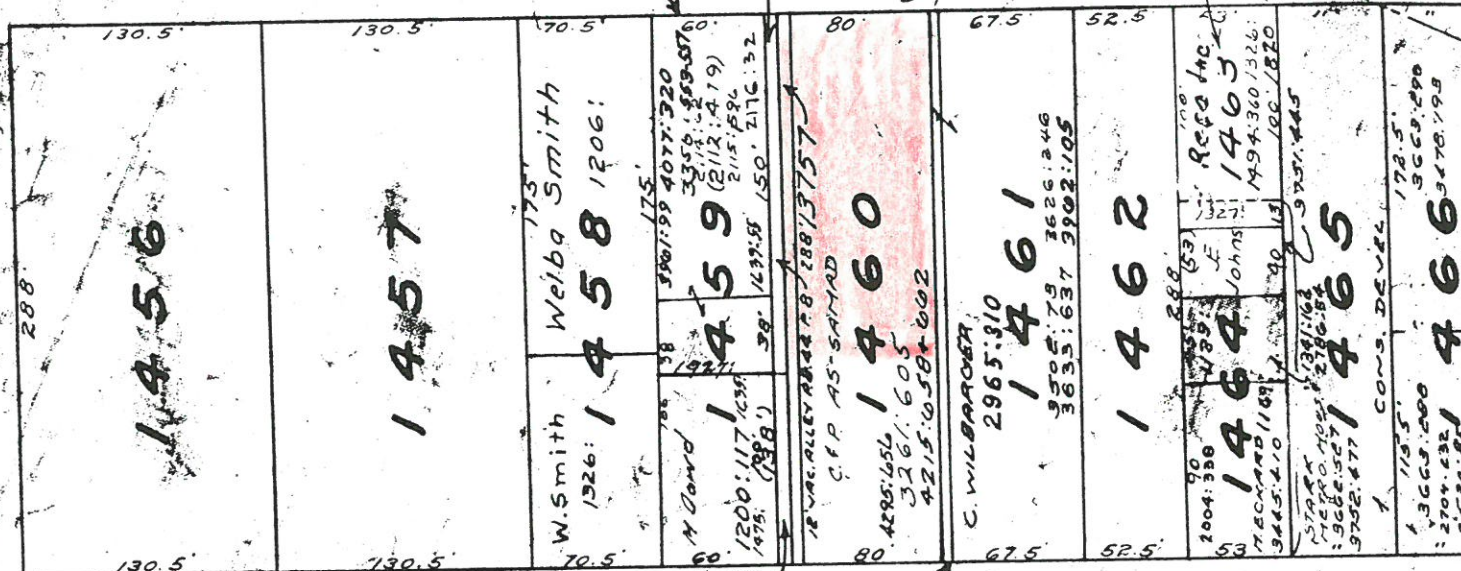
J. DULABAHN, ET AL (3)

REZONING REQUEST

721 LINCOLN WAY EAST

O-1 to B-1

WALLACE



6TH ST. N.E.

B-1

7TH ST N.E.

EXISTING ZONING MAP

B-1

B-1

8TH ST. N.E.

B-1

B-1

LINCOLN WAY EAST

6TH ST. S.E.

O-1

O-1
to
B-1

O-1

B-1
(10-75)

RM-2
(11-72)

R-1

O-1

R-1

P-1
(10-75)

R-1

WALLACE S.E.

R-1

R-1

R-1

R-1

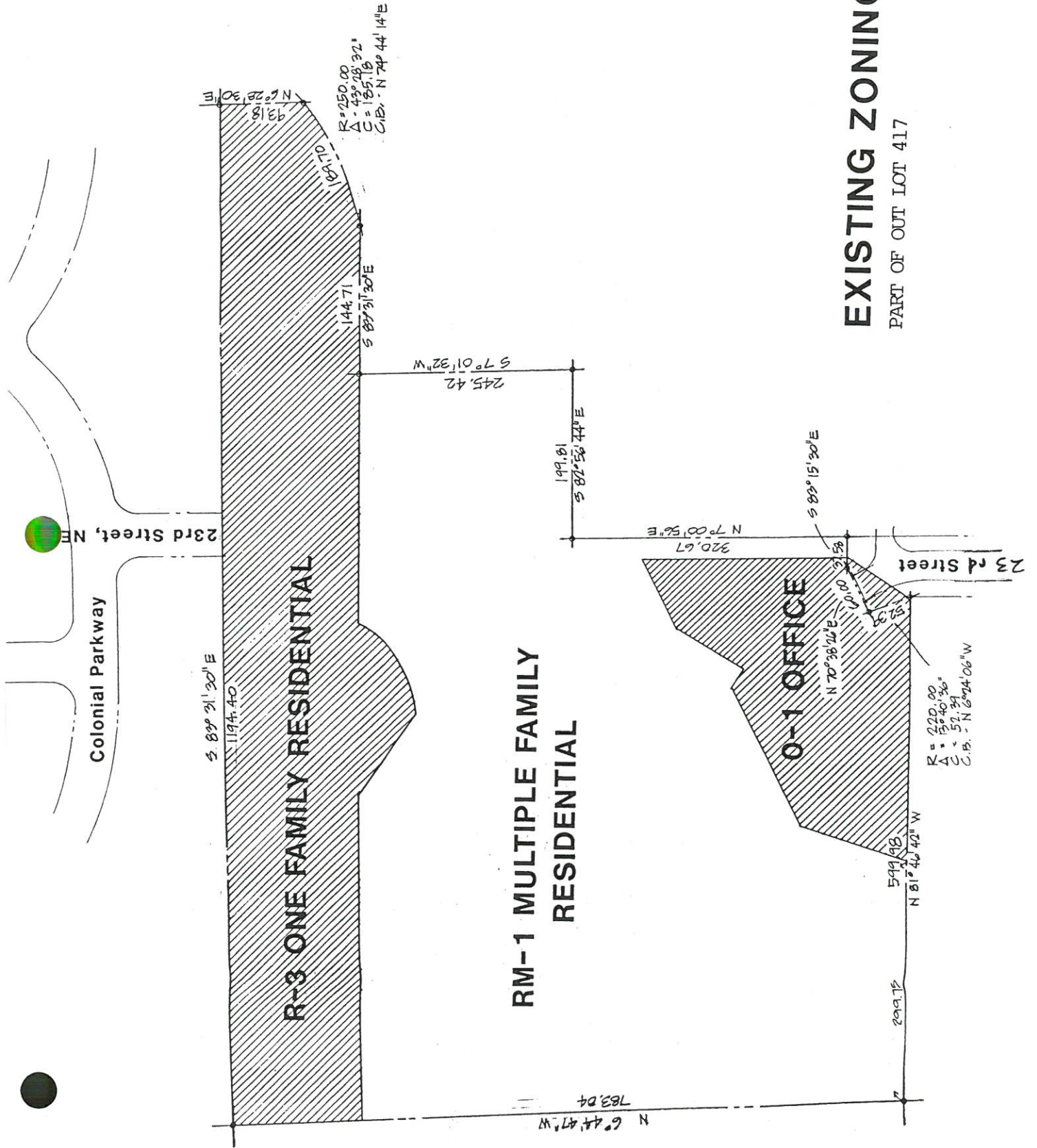
R-1

WELLMAN AVE. S.E.

R-1

EXISTING ZONING

PART OF OUT LOT 417



23rd Street, NE

Colonial Parkway

S 89° 31' 30" E

194.40

R-3 ONE FAMILY RESIDENTIAL

9.638 Acres

144.71

S 89° 31' 30" E

245.42

S 7° 01' 32" W

199.81

S 82° 56' 44" E

320.67

N 7° 00' 56" E

S 89° 15' 30" E

37.58

N 70° 38' 06" E

37.58

23rd Street

R = 220.00
A = 13° 40' 36"
C = 52.39
C.B. - N 6° 24' 06" W

599.98

N 81° 46' 42" W

RM-1 MULTIPLE FAMILY
RESIDENTIAL

5.5 Acres

PROPOSED ZONING CHANGE

PART OF OUT LOT 417

N 6° 44' 47" W

783.04

R = 250.00
A = 43° 48' 32"
C = 135.18
C.B. - N 74° 44' 14" E

101.70

N 6° 28' 30" E

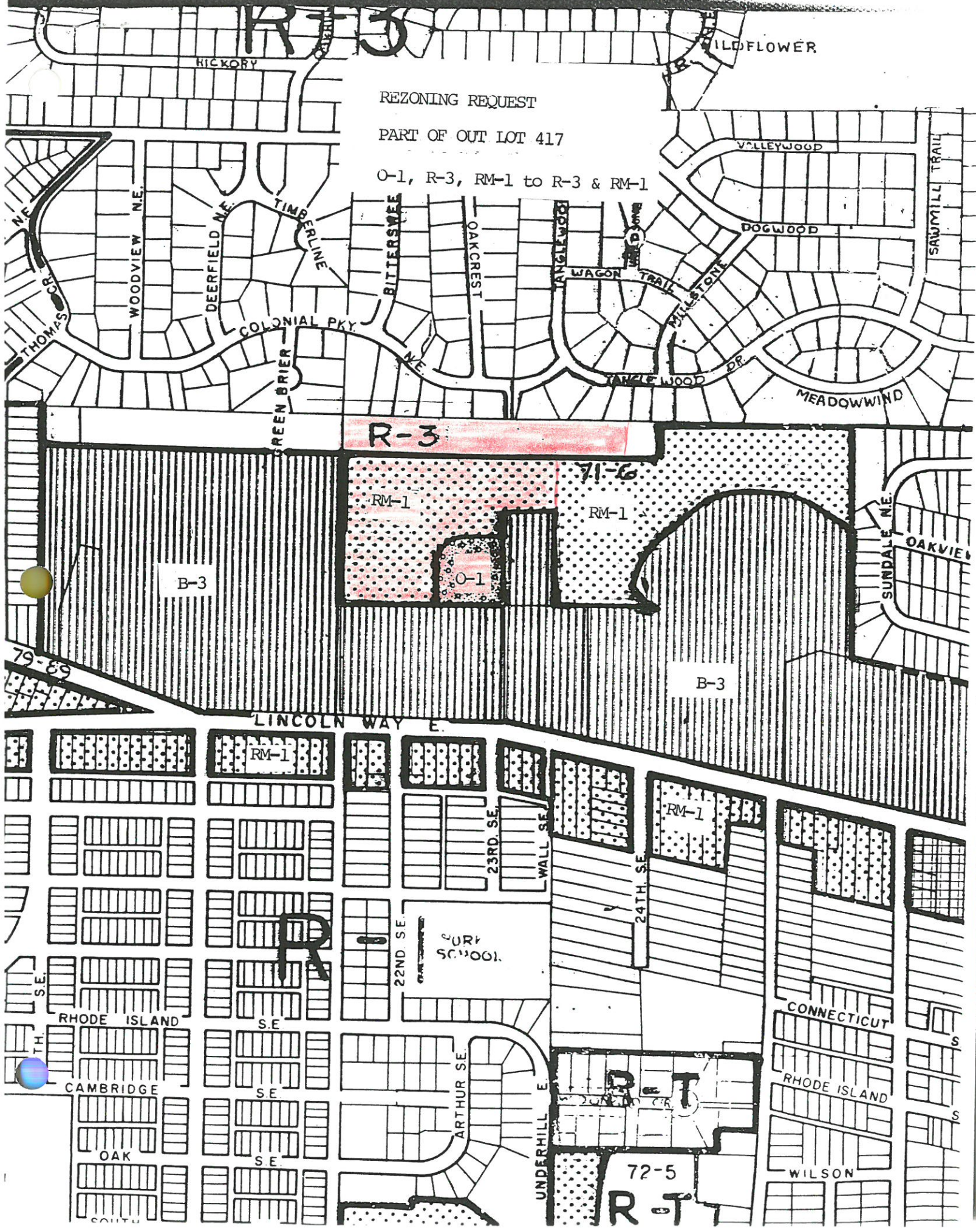
93.18

R-3

REZONING REQUEST

PART OF OUT LOT 417

O-1, R-3, RM-1 to R-3 & RM-1



23rd Street

Terrace Hills Circle

5.5 Acres

Proposed Site for Senior Housing

PRELIMINARY PLAT

TERRACE HILLS

9.639 ACRES

19 LOTS

R-3 SINGLE FAMILY RESIDENTIAL (PROPOSED)



Scale: 1"=50'

23rd Street NE

The Massillon Planning Commission met in regular session on April 11, 1990, at 7:30 p.m. in Massillon City Council Chambers. The following were present:

Chairman Fred Wilson
Mayor Francis H. Cicchinelli, Jr.
Thomas Wilson
James Johnson
Dr. Dale E. Hart
Jeanette Holloway
Bill Hamit

Robert Wagoner
Aane Aaby
Marilyn Frazier

The first item of business was the minutes of the March 14, 1990, meeting. Mr. Johnson moved to recommend approval, seconded by Mrs. Holloway, motion carried.

The next item of business was under Old Business. A rezoning located at 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 Dietz, the property owner. This rezoning request was returned to the Planning Commission by City Council for reconsideration. Mr. Aaby reported that he had heard from Mr. Dietz's attorney, Vince Matacheck, who requested that this request be deferred until next month. Mr. Fred Wilson said he had no problem with delaying the matter. Mayor Cicchinelli, Jr. moved to postpone the request until next month, seconded by Tom Wilson, motion carried.

The next item was a 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. Mr. Aaby presented the request. He reported that the property has two houses on it, which are not in very good shape. The plan is to demolish the houses to expand parking for the American Legion. The petition has approximately fifty percent of the adjoining property owners' signatures. Available parking would be increased by about twenty cars. Since land use on both sides is residential, a four foot obscuring wall would have to be erected. Several representatives from the American Legion spoke about the Legion's activities and contribution to the community. Those present from the American Legion were Dick Longworth, Jack Bigler, and Bill Moss. Demarest Polacheck, 36 Fourth Street, S.E. was present and spoke against the request because of the noise. Debbie Holderman, 26 Fourth Street, S.E. was also present and commented that she would be surrounded by parking lots if this request was granted. She also wanted to know why the other lot owned by the Legion had not been paved. Mr. Johnson wanted to know if the houses would be demolished. He was told that they would eventually be demolished rather than repaired. Mayor Cicchinelli commented that this presented a difficult decision because the organization has been extremely beneficial to the community, but he also sympathizes with the residents, especially Miss Holderman, who is most affected by this request. Bill Hamit moved to recommend approval, seconded by Jim Johnson, motion carried five to one, with Mrs. Holloway against.

The next item was a 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. Mr. Aaby presented this request. The property is presently the site of Nu'Man House owned by Mr. As Samad. Mr. As Samad was not present, but Fourth Ward Councilman T. Roy Roberson was present and was representing the owner. He reported that the neighbors seemed to have no objections to the rezoning. Charles Tribett, Third Ward Councilman was present and spoke in favor of the request. Frank Clendening was also present and spoke in favor

of the request. Mayor Cicchinelli then moved to recommend approval, seconded by Mrs. Holloway motion carried.

The next item was also a 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 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. Mr. Aaby presented the request. Alpha Phi Alpha Homes has received a government loan to finance the senior housing. The single family homes will be unassisted. They have similar developments in Akron. The Mayor spoke favorably of the development. Frank Clendening was present and stated that he was familiar with their developments in Akron. He spoke favorably on the development. Wanda Morris from Alpha Phi Alpha Homes was present and answered questions from the members. Mayor Cicchinelli moved for approval, seconded by Tom Wilson, motion carried.

The next item was a 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. The presentation was made by Robert Wagoner. Tom Wilson moved to recommend approval, seconded by Dr. Hart, motion carried.

The next item was a 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 Land, N.E., Fallen Oak Circle, N.E., and Saw Mill Trail, N.E. Submitted by Pogemeyer Design Group. Mr. Wagoner presented this request. This is a continuation of Colonial Hills. All requirements have been met and the preliminary plat has been approved. The developer is anxious to start working Dr. Hart moved for approval, seconded by Tom Wilson, motion carried.

The next item before the Commission was a Final Plat - Harvest Run. Location - Part of Out Lot 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 Pogemeyer Design Group. Mr. Wagoner presented the request. Plans have been submitted and there seems to be no pro Mr. Johnson moved for approval, seconded by Mrs. Holloway, motion carried.

The next item was a 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. Mr. Wagoner presented the request. He explained that Stark Metropolitan Housing Authority will have this street repaired and then the City would dedicate it as a public street. Bill Hamit moved for approval, seconded by Dr. Hart, motion carried.

The next item was a 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. Mr. Wagoner made the presentation.

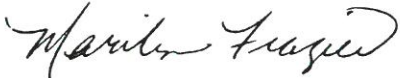
There are 100% signatures on the request. Mayor Cicchinelli moved for approval, seconded by Tom Wilson, motion carried.

The final item on the agenda was Designaion 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. Steven Seaton made the presentation to the Commission. He reported that the City has hired a Historic Preservation Consultant, who has made a recommendatiion of this portion of downtown as a historic district. They have held one public hearing and will be holding another on April 16, 1990. The main advantage of having a historic district is to establish a standard for renovation to enhance historic character. Tom Wilson moved for approval, seconded by Dr. Hart, motion carried.

The Mayor directed the staff to check on zoning requirements concerning the selling of used cars on vacant lots. A written report is to be available at next month's meeting.

There being no further business before the Commission, the meeting adjourned at 9:05 p.m.

Respectfully submitted:



Marilyn Frazier
Clerk

Approved:

Fred Wilson, Chairman

