

AGENDA
MASSILLON PLANNING COMMISSION
MAY 11, 1994 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. Approval of the Minutes for the Commission Meetings of April 13, 1994.
2. Petitions and Requests

Rezoning Request - 2617 Lincoln Way, N.W.

Location: Lot No. 8672, located on the south side of Lincoln Way, N.W., between 26th Street, N.W., and 27th Street, N.W. The request is to rezone this property from R-1 Single Family Residential to B-1 Local Business. The request has been submitted by Timothy J. Putman, Attorney at Law, on behalf of Tode Gorgievski, the property owner, who wishes to construct an office-type commercial building on this property.

Rezoning Request - Logan Area Annexation

Location: Out Lots 689, 690, 691, and 692 located on the south side of Nave Road, S.E., north of U.S. 30. These properties were recently annexed to the City from Perry Township. The City is requesting to rezone this area from Perry Township zoning as follows: Out Lots 689, 690 and 691 to be rezoned B-1 Neighborhood Business; Out Lot 692 to be rezoned R-1 Single Family Residential.

Replat of Lots No. 5058-5059

Location: 424 18th Street, N.W., located on the east side of 18th Street, N.W., north of Lincoln Way, N.W. The request is to replat these two lots, which are zoned R-2 Single Family Residential, into one lot to permit construction of a garage on this property. This request has been submitted by Jamie and Cynthia Wingerter, the property owners.

Street Dedication - Veterans Boulevard, S.E.

Location: Veterans Boulevard, S.E., is located on the north side of Nave Road, S.E., and will be the principal road into the proposed residential subdivision along the Legends of Massillon Municipal Golf Course. This street dedication is being requested by the City.

Final Plat - Lincoln Hills No. 4

Location: Lee Avenue, N.W., located on the east side of 28th Street, N.W., north of Lincoln Way, N.W. The plat includes 7 lots, zoned R-2 Single Family Residential, plus the extension of existing Lee Avenue, N.W., easterly a distance of approximately 250 feet and terminating in a cul-de-sac.

3. Other Business

MASSILLON PLANNING COMMISSION

April 13, 1994

The Massillon Planning Commission met in regular session on this date at 7:30 P.M. in City Council Chambers. The following members were present:

Members

Chairman Fred Wilson
Rev. David Dodson
Jeanette Holloway
James Johnson
Tom Wilson
Wendell Edwards
Al Climer
Mayor Cicchinelli

Staff

Bob Wagoner
Aane Aaby

Mayor Cicchinelli welcomed Wendell Edwards who was recently appointed to the Park Board and would sit as their representative at the Planning Commission meetings.

The first item on the agenda was the consideration of the Minutes for the Commission Meeting of March 9, 1994. James Johnson moved that the Minutes be approved as mailed, seconded by Al Climer, the motion carried.

Under **Item 2** on the agenda were the following requests:

Rezoning Request - Healy Court, N.E. - Location: Lots No. 13820 and 13821, located on the east side of Healy Court, N.E., between First Street, N.E., and Janice Avenue, N.E. The request is to rezone this property from R-2 Single Family Residential to B-1 Local business. The request has been submitted by Richard Bader, the property owner who wishes to operate an antique furniture repair and reproductions business at this point.

Mr. Aaby explained that this property was recently surveyed and that Mr. Bader had ran an antique and furniture finishing business on this property prior to a fire last year which totaled the building. Since his business came under a non-conforming use prior to the fire he would now have to have the property rezoned in order to put a business back on the property. There are other businesses in the area, including Padula's Restaurant. Mr Bader has submitted a petition with all the property owners but one signing. Mr. Bader has been at this place of business for 14 years prior to the fire. At this point Attorney Joel Feichter who was representing Mr. Bader explained that Mr. Bader had grown up in this area and that the only neighbor not signing the petition was his sister. The Mayor questioned why Mr. Bader had ignored the zoning code in operating this business. to which Attorney Feichter responded that it was just neglect on Mr. Bader's part. A Mr. John Riley spoke in favor of Mr. Bader as he frequented his business quite often. A Ross Hessman who lives at 1455 First N.E. just on the cusp of the 200 foot radius stated that as neighbors they have put up with this business and looked the other way for many years and he has fear of future fires because of the flammable varnishes and solvents used in this business in a residential area. He stated he as well as others did not want anymore businesses encroaching in the area. Mr. Alan Gainey stated he was the one who didn't sign because he knew the business was there illegally and felt that some of the people who signed the petition did not know that they were signing for a zoning change. He realized this especially when he went out and talked to various neighbors. He stated he had a petition with signatures objecting to this rezoning. Mr. Richard Ackley who lives directly west of this property, stated that Mr. Bader explained what the petition was he was signing and trusted in Mr. Bader to open up the same business he had

there before. Mrs. Donna Davis who lives directly behind Mr. Bader explained that they signed the petition thinking it was for hooking up water, sewer and electric that Mr. Bader said he never had for the building. She stated that they were not aware this petition was for rezoning for a business and felt lied to. Attorney Feichter responded to the various neighbors that this new building will be safer than before as he has to conform to all fire regulations for business with set back lines and such. Chairman Fred Wilson stated that in granting rezonings they must consider that this zoning would be in effect for ever and that other businesses that fell under such zoning could move into this building down the road and this is something the Planning Commission must consider. Kim Eberly who lives directly in front of this business at 1440 First Street N.E., stated they have never had any problem with this business and signed the petition after reading what it said. Ann Hessman of 1455 First N.E. stated concern about a business in a residential area and felt it was too much of spot zoning and objects to the trucks and traffic coming into this business. Mayor Cicchinelli stated this was a perfect example that the City has with residential and business areas mixing, most of which have been created under non-conforming use over the years. He respected the frankness of Attorney Feichter and wished that people would read documents before signing them. At this point Mayor Cicchinelli moved to deny this request in order to protect the neighborhood, seconded by Jeanette Holloway. Al Climer stated he had recently went through the same type of request and would prefer to go along with the wishes of the residents who have recently changed their mind and want to keep the area residential. Rev. Dodson questioned if the city could find Mr. Bader other property for his business which the Mayor responded that he would be more than willing to help Mr. Bader relocate elsewhere in the City. The motion to deny was carried by a unanimous vote. Mr. Wilson stated this will be sent to City Council for final decision.

Rezoning Request - 739 1/2 Third Street S.E. - Location: Out Lot 49 and part of Out Lot 50 located on the west side of 3rd Street, S.E. between Walnut Road, S.E. and Maple Avenue, S.E. The request is to rezone this property from I-1 Light Industrial to I-2 General Industrial. This request has been submitted by Campbell Oil who wishes to utilize this property for the above ground storage of industrial oil.

Mr. Wagoner explained that the material to be stored was non-hazardous material and will be housed within a building. Campbell oil has bought the property. He explained that there are safety regulations on this type of material, that a dike must be built around the tanks for any leaks and that 15 of 27 neighbors signed the petition. Mr. Johnson questioned the types of the material that would be stored. A Mr. Ryan Burrow replied that they are classified as non hazardous materials such as lubricating oils and rust preventatives. Rev. Dodson asked if they were classified as flammable materials? They will flash at the lowest flash point of 150 degrees to 212, 375 and 285 degrees. Mr. Burrow explained that the Campbell Oil Company on Erie is running out of room and that one of their biggest users was the Timken Company. They would have six brand new 10,000 gallon tanks for storage of these oils. Jim Johnson questioned if they were going to have sprinkler system and fire walls installed, to which Mr. Burrow replied yes. They want to use this facility with all above ground tanks so any problems can be detected right away. Chairman Fred Wilson questioned whether the Fire Dept. inspected this facility and Mr. Burrow stated they had and it was their recommendations for the fire wall, dike and sprinkler system. Ms. Holloway stated that she had signed the petition and was not aware of the 60,000 gallons of oil being stored there and questioned why a business like this would want to be put in a residential area anyway. Ms. Holloway strongly expressed her opposition to this business in a residential neighborhood. The Mayor asked if an EPA permit was required and was told EPA was for air quality not for storage of motor oil in above ground tanks. Bill Poole, the Fourth Ward Councilman in whose ward this will be put, stated that he objected to this rezoning, as the area is 99% residential at this time. There is concern that property values will decrease and the traffic

could become a serious problem. Mr. Poole stated that some of the people who signed the petition were not aware of exactly what it involved. Rev. Dodson asked if the Mayor would be willing to help Campbell Oil find a more suitable site if this request was turned down. The Mayor expressed that there are not a lot of available buildings but he would definitely work with Campbell Oil as they have been a very good business to the City for many years and their founders provided the great walking and jogging path. Phyllis Flowers of 719 Third Street had concern over the traffic as there already are a lot of trucks in and out. Frank Clendening of 316 Walnut expressed that this business would be a detriment to the area. That the property owners are trying to bring up their properties and that industries are now invading this area. He expressed concern also that Campbell Oil couldn't assure volatility of this liquid wouldn't happen. Tom Wilson stated this was a tough call but asked this request be denied, seconded by Rev. Dodson and the motion carried unanimously.

Rezoning Request - 2109-2119 Lincoln Way East & 125 22nd Street S.E. -

Location: Lots No. 4328,, 4329, 4330 and 4331 located on the south side of Lincoln Way East between 21st and 22nd Streets, S.E. the request is to rezone this property from RM-1 Multiple Family Residential to B-1 Local Business. This request has been submitted by Carl Oser who wishes to utilize this property for business development.

Mr. Climer asked to be allowed to abstain from voting on this request due to the fact he lives in the area. Mr. Aaby gave an explanation that Mr. Oser wishes to put in a retail/ commercial uses on these lots and has asked for this rezoning in previous years. This type of business could cause a drainage problem in this area as it is basically a residential area to the south. Mr. Oser of 131 Cherry N.W. provided the Planning Commission with maps and stated this request was approved by the Planning Commission in 1987 but denied by Council. Mr. Oser explained that he has a demand for businesses not offices. he Mayor asked Mr. Oser if he had a site plan review for the residents in the area. A lengthy discussion was held at this time between the Mayor and Mr. Oser on what the plans were for this area, and why Mr. Oser felt he was being singled out for his rezoning request every time. Chairman Fred Wilson felt that perhaps if Mr. Oser would at least show the size of the buildings he wants and how they are to be located they would be able to make a more reasonable decision. We don't want to know who your prospective buyers are but what type of buildings, size and locations. Mr. Climer supported both Mr. Wilson and the Mayor in the fact that if Mr. Oser was a little bit more up front with what he wants to put in perhaps the neighbors would be more willing to work with him. Mr. Tribett of 2043 Lincoln Way East stated that Mr. Oser came to Council in 1987 with 6 requests to rezone this to commercial, 1988 he had 4 requests, 1989 he presented 3 requests and in 1990 he presented one request, all for this same property. City Council rejected his proposal 14 times for logical reasons, first the water problems for the residents to the south and add more traffic already to a high traffic area. Mr. Tribett stated they had 287 signatures against this rezoning before and that nothing had changed. More residents would be here to support denial tonight if they knew about this hearing. Mr. Oser stated that we have a new Council this time who may look on this rezoning in a different light. Bill Jones stated that he has been here before and will be here anytime this rezoning comes forward. The majority of the residents want this left residential. He felt Mr. Oser wanted this rezoned so he could sell the land at a higher price and really had no plans for building anything. Mr. Jones also wanted the Commission to remember there are not sidewalks in the area where Mr. Oser will have to put egress or ingress trances and there are a lot of children who are walking or playing in this area. Mr. Dale Maurer 129 25th Street S.E. supported what had already been said, that the area should be left as it is. Mr. Maurer also noted that banks will not be as willing to lend money if you mix residential and business in the same area. Tom Wilson felt that this request fell in the same category as the two previous rezoning requests this evening, again putting a business in a residential area. Councilman Dale Walterhouse of the Third Ward stated he had

attempted to walk the area today and talk to the neighbors. He did not reach many as it was after 4:00 but the couple he did talk to were told Mr. Oser wanted to put apartment buildings in the area. Mr. Oser asked the Commission to keep in mind that the north side of the highway is Perry School District but this side of the highway would generate money for the Massillon Schools. Tom Wilson moved that this request be denied, seconded by Mayor Cicchinelli approval by all but Ms. Holloway or voted in favor of the rezoning.

Rezoning Request - Valerie Avenue, N.E. - Location: Out Lots 642 and 643, located on the west side of Valerie Avenue, N.E., north of Hankins Road, N.E. The request is to rezone these two parcels, which are presently vacant and approximately 16 acres in size, from R-4 Single Family Residential to R-3 Single Family Residential. This request has been submitted by Richard Proebstel, who wishes to develop this property with single family homes.

Mr. Wagoner and the Mayor explained that this property was recently annexed to the City and is prime residential land in the Massillon School District and that Mr. Proebstel would like to build some homes in the area on smaller lots that this is presently zoned for. The Mayor questions Mr. Proebstel if all the residents in the area were contacted on this rezoning due to the fact that they were told during the annexation process that the area surrounding their homes would remain R-4. Mr. Proebstel said he mailed a copy of the proposed request with maps. Mr. Aaby explained R-4 is a new district consisting of large lots for upper incomes, these are 1/2 acres with expensive homes. R-3 will provide 12,000 sq. foot minimum lots. Mr. Proebstel wants to build 78 homes in Massillon. Jeanette Holloway questioned if the lots would have the same builder or each lot could have their own builder and was informed the same person would be doing the building. Ms. Holloway asked for the minimum and maximum sq. footage. Mr. Proebstel stated 1500 to 2100 sq. foot. Rev. Dodson moved for approval of this rezoning, seconded by Jeanette Holloway and Jim Johnson, the motion was approved by unanimous vote.

3. Other Business

Tom Wilson moved for adjournment, seconded by Rev. Dodson, approval of all attending.

[illegible][illegible][illegible]

EXISTING ZONING MAP - REZONING REQUEST

2617 LINCOLN WAY N.W. - R-1 to B-1

R-2

B-1

LINCOLN WAY N.W.

B-1

R-1
to
B-1

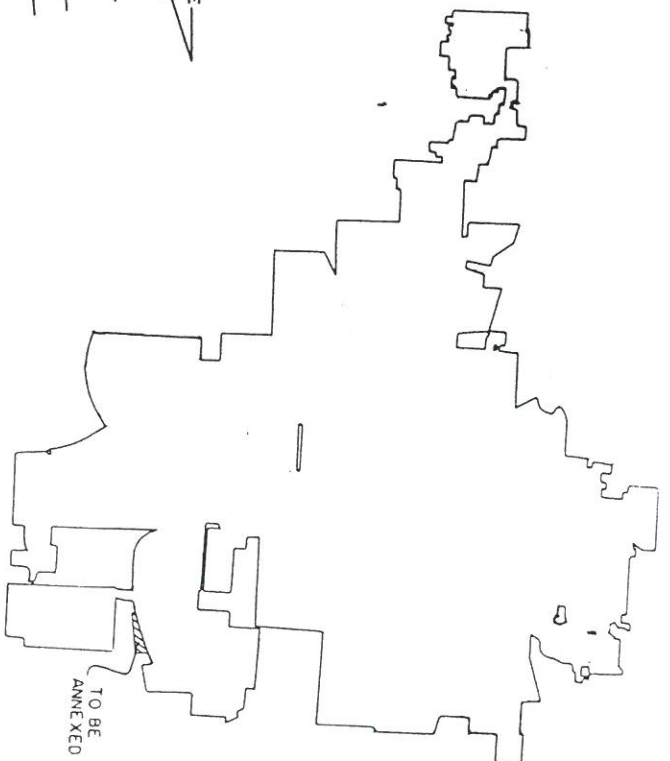
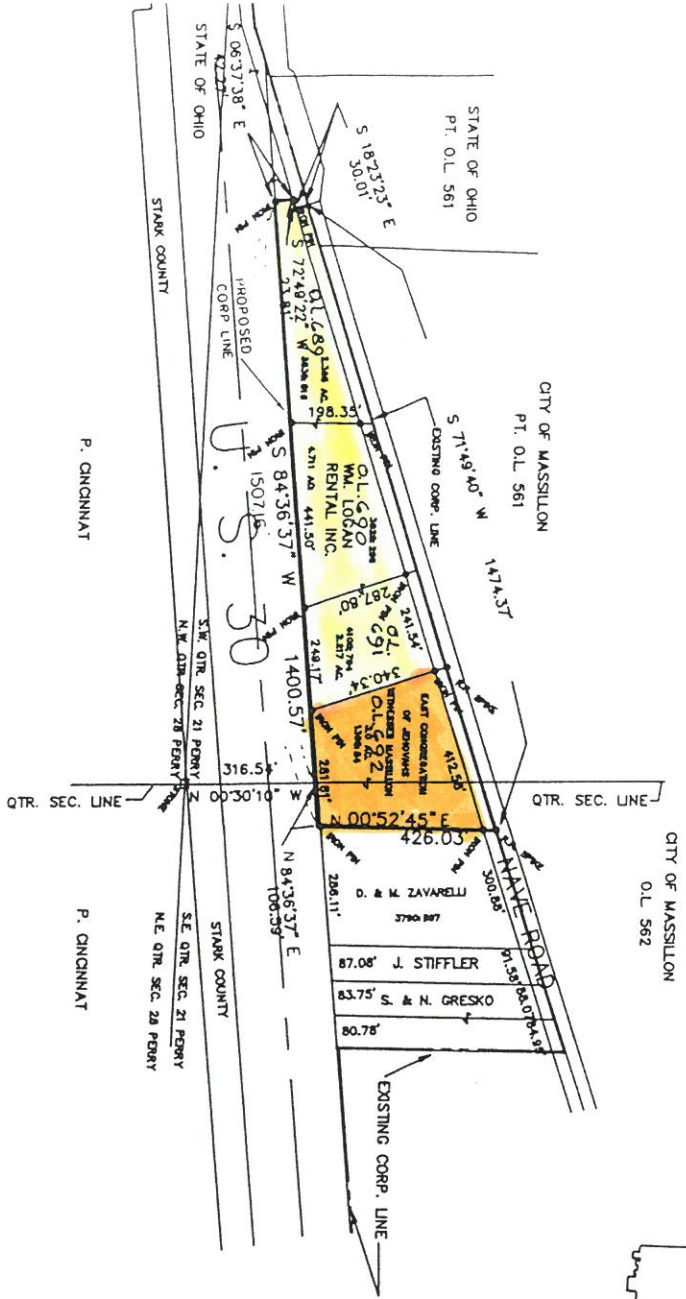
R-1

27TH ST., N.W.

26TH ST., N.W.

R-1

R-1



SITE MAP

MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF MASCAGO

TOTAL ACREAGE IN TERRITORY	8 612	ACRE
ACREAGE OF STATE HIGHWAYS	0	MILES
MILES OF COUNTY ROADS	0	MILES
MILES OF TOWNSHIP ROADS	0 299	MILES
ACREAGE IN S.W. QTR. SEC. 21 PERRY	7 562	ACRE
ACREAGE IN S.E. QTR. SEC. 21 PERRY	1 050	ACRE

LOGAN AREA ANNEXATION

PT. S.W. QTR. SEC. 21, PT. S.E. QTR. SEC. 21
PERRY TWP. STARK COUNTY

DR. BY S. HAMIT

DEPT. OF PUB
ENGINEERING

CTY ENGINEER ROBERT F. WAGONER

CERTIFICATION

I hereby certify the adjacent plat to be correct this day 26th of April, 1994.

Robert F. Wagoner
Robert F. Wagoner
S.R. 4787

PLANNING COMMISSION

Approved by the Massillon Planning Commission at a Meeting Held this day ____ of ____, 19__.

Chairman

Secretary

CITY COUNCIL

Council acceptance not necessary no street dedication hereon per Sec 1107.03 (b), (3), Codified Ord. of City of Massillon, Oh.

STARK COUNTY RECORDER

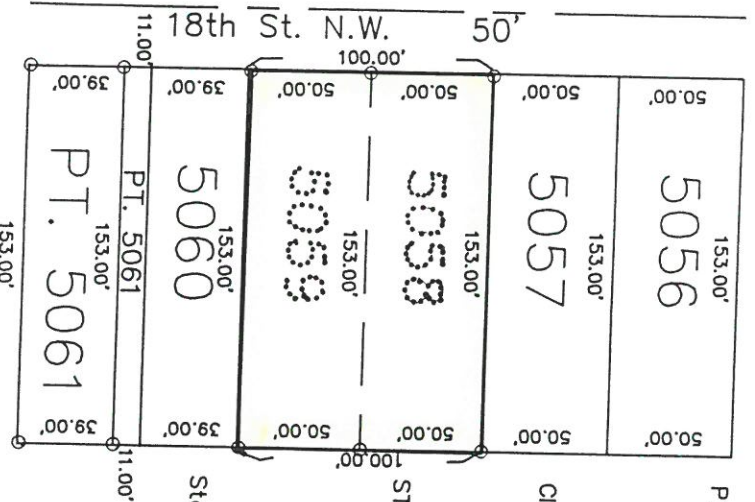
Received for record this ____ day of ____, 19__
Recorded in Volume ____ Page ____ this
day of ____, 19__

Stark County Recorder

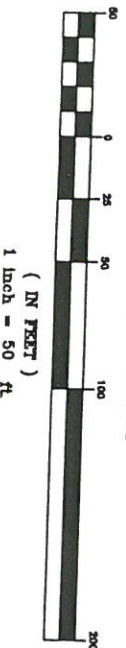
Stark County Auditor

Entered for transfer this ____ day of ____, 19__

Stark County Auditor



GRAPHIC SCALE



MASSILLON CITY ENGINEER

Lot numbers ____ assigned by Massillon City Engineer

Robert F. Wagoner

ACKNOWLEDGEMENT

Known to all men by these present, that we the undersigned owners of the land delineated hereon, do hereby acknowledge the signing of the same to be our free act and deed, and do hereby replat our land.

Witness

Owners

COUNTY OF STARK
STATE OF OHIO ss.

Before me a notary Public, in and for said county, did personally appear, the above, who acknowledge the signing of the same to be our free act and deed according to law.
In witness whereof, I hereunto set my hand and seal this ____ day of ____, 19__

My commission expires ____

Notary Public

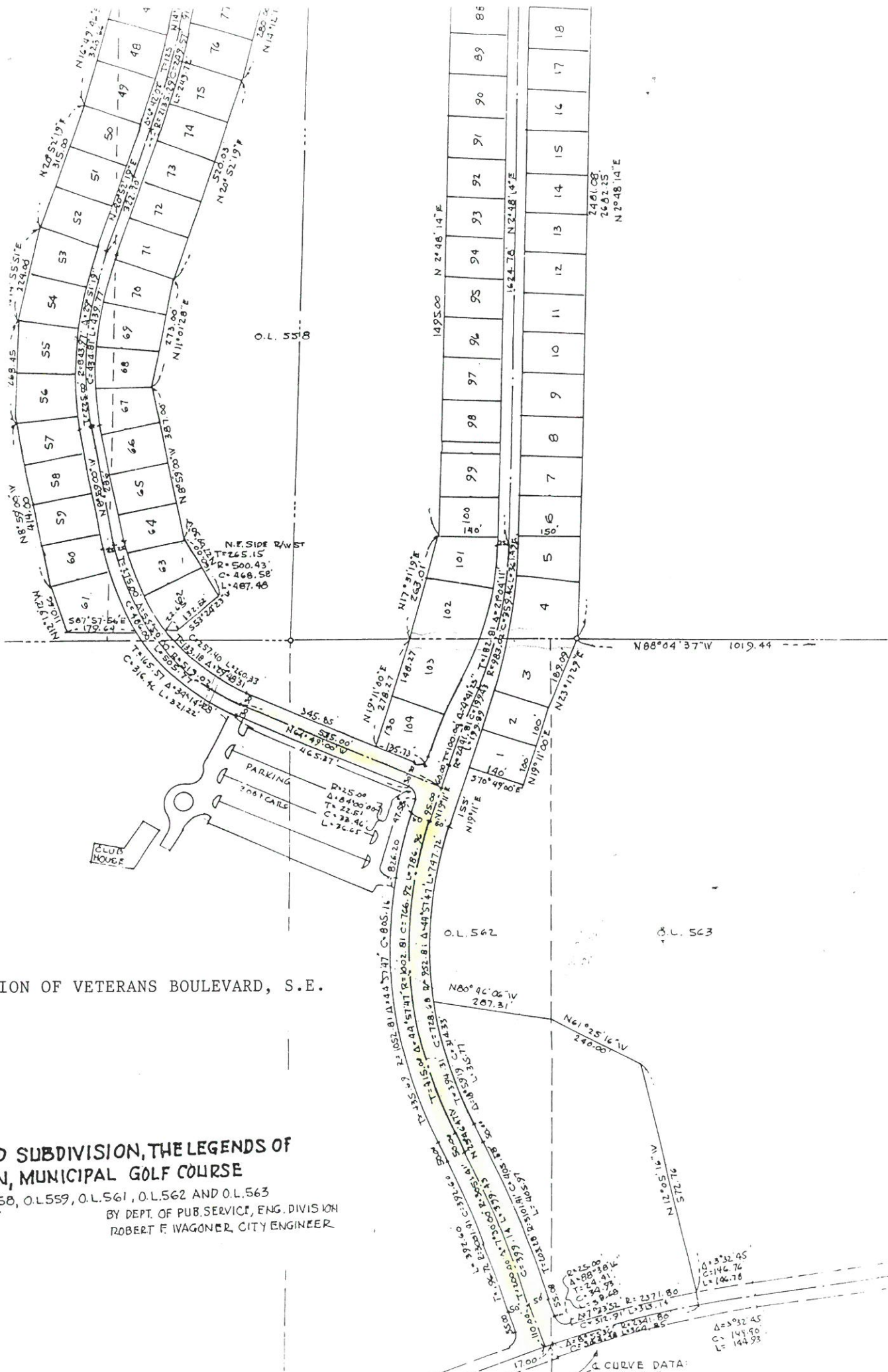
REPLAT OF LOT

NUMBERS 5058 & 5059

IN THE CITY OF MASSILLON, COUNTY OF STARK, STATE OF OHIO.

SCALE 1"=50'

APRIL 22, 1994



DEDICATION OF VETERANS BOULEVARD, S.E.

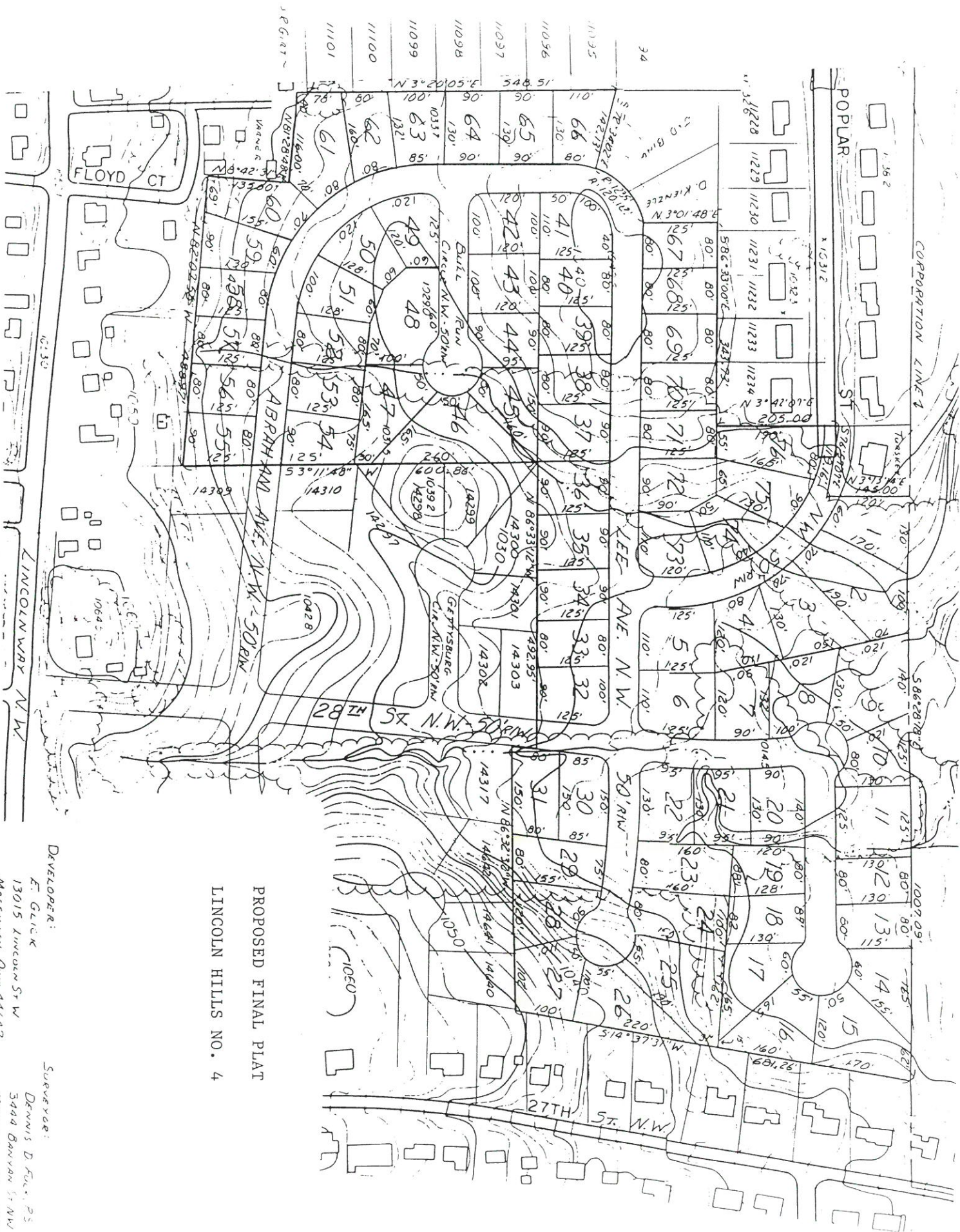
PROPOSED SUBDIVISION, THE LEGENDS OF MASSILLON, MUNICIPAL GOLF COURSE

PART OF O.L. 550, O.L. 559, O.L. 561, O.L. 562 AND O.L. 563

SCALE 1"=200'
JL 93

BY DEPT. OF PUB. SERVICE, ENG. DIVISION
ROBERT F. WAGONER, CITY ENGINEER

4 CURVE DATA:
 $\Delta = 12^{\circ} 28' 21''$



PROPOSED FINAL PLAT
LINCOLN HILLS NO. 4

DEVELOPER:

F. GLUCK
13015 Lincoln St W
Massillon, Ohio 44607
Phone 633-3272

SURVEYOR:

DENNIS D. FELT, P.S.
3444 BANYAN ST NW
Massillon, Ohio 44607
Phone 37-9603