

AGENDA
MASSILLON PLANNING COMMISSION
JUNE 8, 1994 **7:30 P.M.**
MASSILLON CITY COUNCIL CHAMBERS

1. Approval of the Minutes for the Commission Meetings of May 11, 1994.
2. Petitions and Requests

Street Dedication - Raymond Court, N.E.

Location: The dedication of an extension to existing Raymond Ct., N.E., establishing a 26 foot wide right-of-way located between Cherry Road, N.E., and Willard Avenue, N.E., and running in an east-west direction between Erie Street North and existing Raymond Ct., N.E.

3. Old Business

Street Dedication - Veterans' Boulevard, S.E., and Augusta Drive, S.E.

Location: Veterans' Boulevard, S.E., is a proposed 60 foot right-of-way 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. Augusta Drive, S.E., is a proposed 60 foot right-of-way that will be the roadway within this proposed subdivision. The portion of Augusta Drive, S.E., proposed for dedication at this time will extend westerly a distance of 525 feet from the northern end of Veterans' Boulevard, S.E. (This item, which was approved by the Planning Commission at last month's meeting is being brought back for reconsideration to add the proposed dedication of Augusta Drive, S.E.)

Reconsideration of 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 General Commercial zoning to B-3 General Business. (At last month's meeting, the Planning Commission recommended rezoning this area to I-1 light industrial.)

4. New Business

Proposed Amendment to City Zoning Code - Solid Waste Composting Facilities

The City is proposing an amendment to its Zoning Code to regulate the siting of solid waste composting facilities. The amendment would permit Class III and IV solid waste composting facilities within I-1 light industrial areas, and would permit Class I and II solid waste composting facilities within I-2 General Industrial areas. Enclosed is a copy of the Ohio Administrative Code defining these different classifications.

MASSILLON PLANNING COMMISSION

May 11, 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
James E. Johnson
Jeanette Holloway
Wendell Edwards
Mayor Cicchinelli

Staff

Bob Wagoner

The first item on the agenda was the consideration of the Minutes for the Commission Meeting of April 13, 1994. There being no objections Chairman Wilson declared the minutes approved.

#2 - Petitions and requests

Item #1 - Rezoning Requests - 2617 Lincoln Way N.W. - Location: Lot No. 9672, 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.

Bob Wagoner explained that the adjacent lot is zoned B-1 Local Business as well as the property across the street. Mr. Aane was not present so the number of names on the petition were not available. Mr. Tim Putman, the Attorney representing Mr. Gorgieski, stated that there was a house on this lot 10 years ago but has been torn down. It is now a vacant lot and they would like to build a small office type building. The applicant owns this property and did when there was a house on it. They want to do something with this lot now. The office building he is interested in is about 1500 sq. (at this point Mr. Putman passed around photographs of the proposed type of building they want to build.) Mr. Putman said that he had over 80% of the neighbors sign the petition in favor and only one neighbor that lived next door objected. This could possible be because she is trying to sell her home and feels this would hurt. Mayor Cicchinelli questioned why they were asking for B-1 instead of O-1 Office. Mr. Putman stated that they are hoping to fill this with some type of office but if not perhaps a flower shop or retail type shop and since B-1 is next door they felt it best not to set up pocket zoning down the street from B-1 to O-1 to R-1. There use to be a barber shop in this area a few years back. Mayor Cicchinelli asked if the Councilman in the area had been contacted to which Mr. Putman replied he had talked to Mr. aquelet and he was in favor of this proposal. Mr. Edwards had some concern that we were opening up ourselves to have a strip type business section on the highway such as out east and into Perry Township. Mr. Putman stated that the four lane highway blends itself to this type of zoning. Lincoln way use to be a two lane highway and residential but now that it is four lanes more, and more business have found that this makes ingress and egress more feasible. There was some conversation about vacant office buildings in

lowntown if someone was interested. Mr. Putman explained that being in the real estate business most small businesses favor being on one floor or two at the most for easy access, which downtowns do not always offer. Plus they feel they become more flexible to the neighborhood. A lengthy decision followed with concern over the fact that sometimes objections are not heard until the Council meetings as neighbors are not aware of the zone change request. Mr. Gorgievski assured the members that he personally talked to most of the neighbors himself and also that he did not intend to sell this property if it gets rezoned. Mayor Cicchinelli stated that the growth of the City is moving west. After several more minutes of discussion on types of business that could be put in, and possible tenants that Mr. Putman had talked to, Mr. Edwards asked if there was some way that the growth of businesses in this area could be controlled. Mr. Johnson stated that he was aware that there are site plan review regulations, and if you need to do more than required it takes variances and such. Mayor Cicchinelli also stated all rezoning comes to Council for approval also to control how much of the area would open up for offices or businesses. At this point Mayor Cicchinelli made a motion for approval, seconded by Chairman Fred Wilson. The motion carried by a vote of 3 yes and 2 no votes. Those in favor were Mayor Cicchinelli, Jim Johnson, Fred Wilson; those opposed were Jeanette Holloway and Wendell Edwards.

Item #2 - 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 and 690 and 691 to be rezoned B-1 Neighborhood Business, Out Lot 692 to be rezoned R-1 Single Family Residential.

Bob stated that Jehovah Witness planned to build a church on Lot 692, which comes under special conditions. These lots are zoned industrial in Perry right now. At this point there was a discussion between the Mayor and Bob concerning that Logan wanted this zoned commercial, and Bob stated yes. The Mayor questioned how we can zone it this way, the Law Director has made a legal ruling that says anything that is zoned one way in the township has to be brought in with the same type of zoning. The code itself also states the zoning has to be brought in as it is and then ask for rezoning. Mr. Johnson questioned if anything could be done at this meeting if the request is inaccurate. This rule is so the people can get involved in what they want rezoned not the City. After a brief discussion on what this rezoning should read Wendell Edwards moved to accept rezoning as I-1 Light Industrial, seconded by Jim Johnson. The motion was passed by a vote of 5 yes.

Item #3 - 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.

ob Wagoner explained that the building code says you cannot build a garage on a lot by it self, so they want to replat it into one lot so they can build a garage. This is not uncommon. Mayor Cicchinelli move to allow the replatting, seconded by Wendell Edwards and was approved by a vote of 5 yes.

Item #4 - 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.

Bob Wagoner explained this road will take you into the golf course and housing development. Mayor Cicchinelli noted that this is being paid for by the developer of the housing. Mr. Wagoner stated the grading is all done. Jim Johnson moved to accept the street dedication, seconded by Jeanette Holloway, approved by a vote of 5 yes votes.

Item #5 - 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.

Bob Wagoner stated the sewers, storm sewers are in and this is comprised of 7 lots. Mayor Cicchinelli moved for approval of the additional 7 Lots, seconded by Jim Johnson, approved by a vote of 5 yes votes.

#3 Other Business

Jim Johnson moved for adjournment, seconded by Wendell Edwards.

Owner's Certification:

We the undersigned, being all the owners of the land hereon platted do hereby approve this plat and dedication to the use of the public forever all lands for public purposes shown hereon.

Witness

Owner

Acknowledgement:

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

Stark County Auditor:

Received for transfer this ____ day of _____, 199__.

Stark County Recorder:

Received for record this ____ day of _____, 199__.
Recorded in plat book ____ page ____.

Stark County Auditor

Stark County Recorder

DEDICATION PLAT OF

RAYMOND CT. N.E.

CITY OF MASSILLON, OHIO

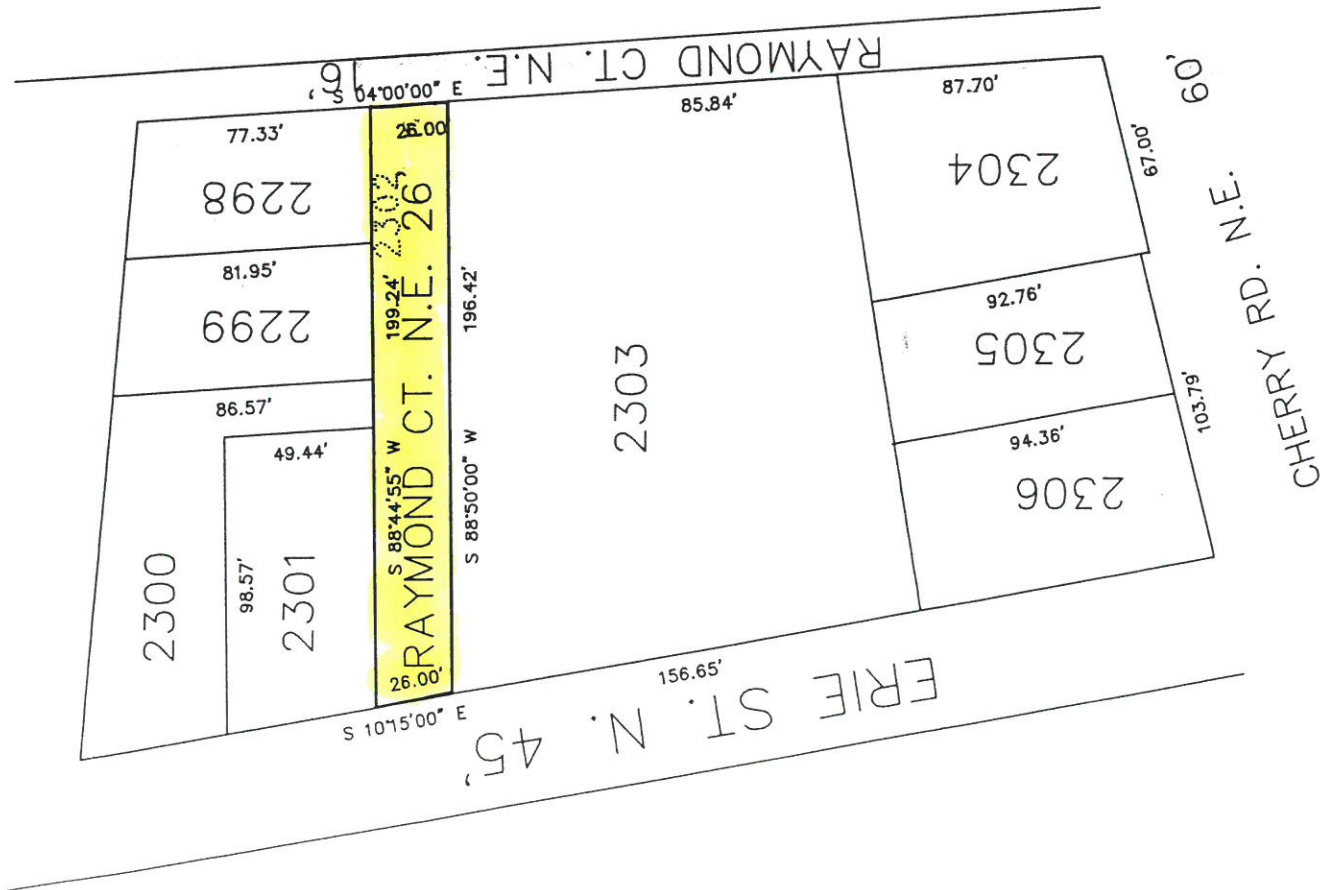
DEPARTMENT OF PUBLIC SERVICE THE DIVISION OF ENGINEERING

CITY ENGINEER: ROBERT F. WAGONER

DR. BY: S. HAMIT

SCALE 1"=50'

DATE MAY 19, 1994



O.L. 562

27.2984 ac. V. 4224 P. 930
 0.4736 ac. Nave Rd. R/W
 28.8248 ac.
 2.0307 ac. to be Dedicated to Veterans' Blvd. S.E. R/W
 0.5197 ac. to be Dedicated to Augusta Dr. S.E. R/W
 24.2744 ac.

O.L. 561

B

R/W

plat was drawn from a

Registered Surveyor No.

Ohio, 199 by

Chairman

ted for public purposes on
 ited by the Massillon City
 ssed on the of

Council President

s of the land hereon platted
 ion to the use of the public
 own hereon.

Owner

Stark County Auditor

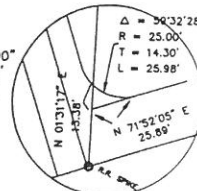
Stark County Recorder

oid county, did
 wledge the signing of the
 ording to law.
 and and seal this

Public

O.L. 563

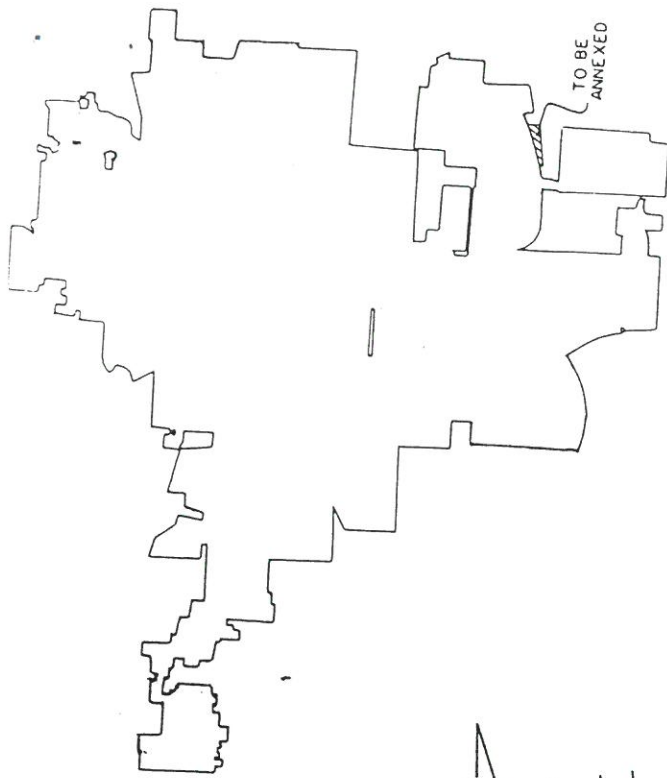
39.9047 ac. Pt. V. 3351 P. 669
 0.7597 ac. Nave Rd. R/W
 39.1450 ac.
 0.0025 ac. Veterans' Blvd. S.E. R/W
 39.1425 ac.



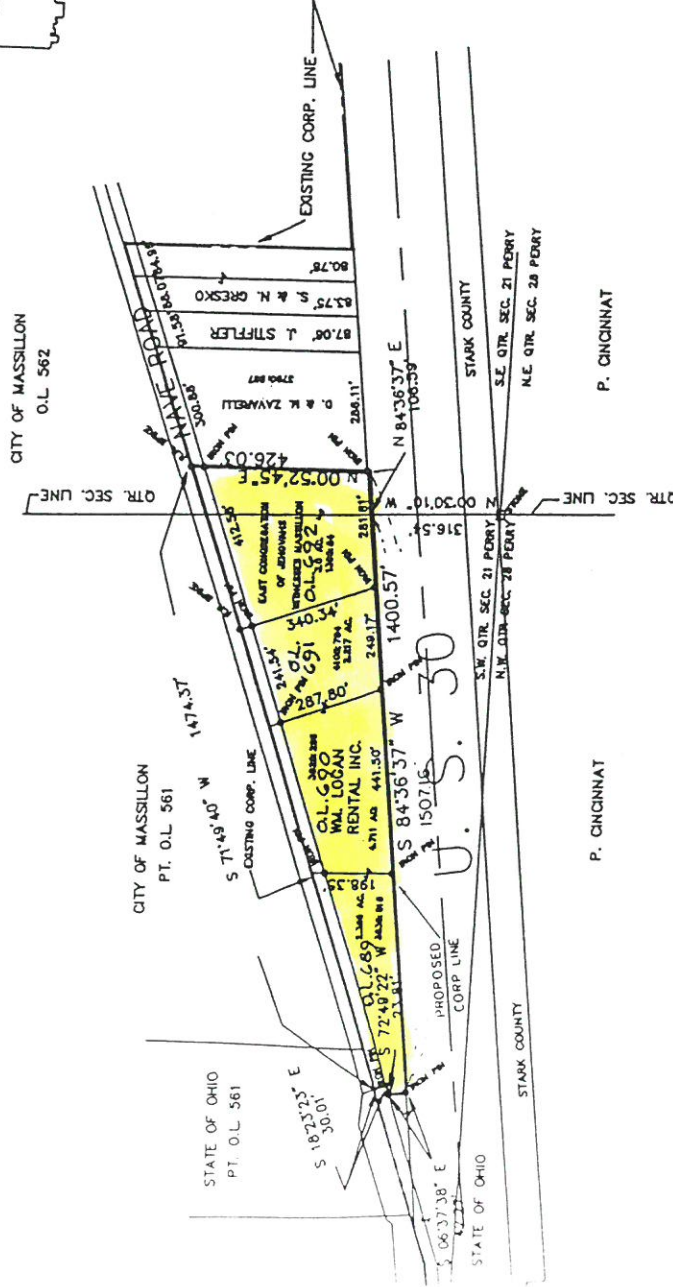
Detail Scale
 1"=50'

DEDICATION PLAT OF VETERANS' BLVD. S.E. & AUGUSTA DR. S.E.

CITY OF MASSILLON, OHIO
 DEPT. OF PUBLIC SERVICE ENGINEERING DIVISION
 DR. BY G. A. MacQue & S. Hamit Date May 17, 1994
 Scale 1"=100'



SITE MAP



MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF MA

TOTAL ACREAGE IN TERRITORY	8.612	ACRE
MILES OF STATE HIGHWAYS	0	MILE
MILES OF COUNTY ROADS	0	MILE
MILES OF TOWNSHIP ROADS	0.299	MILE
ACREAGE IN S.W. QTR. SEC. 21 PERRY	7.562	A
ACREAGE IN S.E. QTR. SEC. 21 PERRY	1.050	A

LOGAN AREA ANNEXATION REZONING
FROM PERRY TOWNSHIP GENERAL COMMERCIAL
TO MASSILLON CITY B-3 GENERAL BUSINESS

LOGAN AREA ANNEXATION

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

DR. BY S. HAMIT
CITY ENGINEER ROBERT F. WAGONER

DEPT. OF PUBLIC
ENGINEERING

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*** THIS DOCUMENT IS CURRENT THROUGH THE MARCH 1994 OHIO MONTHLY RECORD ***

3745 ENVIRONMENTAL PROTECTION AGENCY
Chapter 3745-27 Solid Waste Disposal Regulations

OAC 3745-27-40 (Baldwin)

3745-27-40 Classification of solid waste composting facilities

As used in rules 3745-27-40 to 3745-27-47 of the Administrative Code:

(A) Class I solid waste composting facilities are:

(1) Facilities that:

(a) May receive organic solid waste that will readily decompose biologically, including but not limited to food wastes, yard wastes, animal wastes, sawdust, wood chips, and paper; and

(b) May receive solid waste containing materials which will not readily decompose biologically, including but not limited to glass, rubber, plastic, or metals; and

(c) May receive household solid waste containing materials exhibiting the characteristics of hazardous wastes, exempt from regulation as hazardous wastes in accordance with Chapter 3745-51 of the Administrative Code, or wastes with similar characteristics, including but not limited to petroleum products, solvents, paints, and pesticides; and

(2) Subject to the requirements in rules 3745-27-42 to 3745-27-47 of the Administrative Code.

(B) Class II solid waste composting facilities are:

(1) Facilities that:

(a) Accept only source-separated yard wastes and/or animal wastes; and

(b) May utilize the following source-separated bulking agents: wood chips, straw, shredded newspaper, shredded cardboard, sawdust and/or shredded brush. Such bulking agents may be commingled.

(c) Other materials to be composted or used as bulking agents or other additives shall be utilized only after approval by the director.

(2) Subject to the requirements of Chapter 3745-37 of the Administrative Code; and

(3) Subject to the requirements in rules 3745-27-41 and 3745-27-44 to 3745-27-47 of the Administrative Code; and

(4) Exempt from the requirements of Chapter 3745-28 of the Administrative

Code; and

(5) If exclusively co-composting sewage sludge with source-separated yard wastes and/or animal wastes and/or bulking agents:

(a) Exempt from the requirements of Chapters 3745-27 and 3745-37 of the Administrative Code; and

(b) Subject to the requirements of Chapters 6111. and 3704. of the Revised Code and rules adopted thereunder.

(c) Class III solid waste composting facilities are:

(1) Facilities that:

(a) Accept only source-separated yard waste and/or animal wastes; and

(b) May utilize the following source-separated bulking agents: wood chips, straw, shredded newspaper, shredded cardboard, sawdust and/or shredded brush. Such bulking agents may be commingled; and

(c) Restrict the limits of materials placement on the facility site to less than fifteen thousand square yards of total area; and

(2) Subject to the requirements of rules 3745-27-41 and 3745-27-44 to 3745-27-47 of the Administrative Code; and

(3) Exempt from the requirements of Chapters 3745-28 and 3745-37 of the Administrative Code; and

(4) Exempt from the requirements of paragraphs (B)(24) to (B)(26) of rule 3745-27-45 of the Administrative Code, if all of the following conditions are met:

(a) The facility composts only those materials listed in paragraphs (C)(1)(a) to (C)(1)(b) of this rule resulting from the normal operations of the business or service; and

(b) Such materials have been transported to the facility by the facility owner or his authorized representative; and

(c) The limits of materials placement on the facility site are restricted to less than fifteen thousand square yards of total area; and

(d) Cured compost is utilized exclusively by the owner of the facility as a part of the normal operation of the business or service.

In addition, facilities meeting the criteria specified in paragraphs (C)(4)(a) to (C)(4)(d) of this rule are exempt from the requirements of rule 3745-27-46 of the Administrative Code if cured compost will be utilized exclusively on property owned by the owner of the facility.

(D) Class IV solid waste composting facilities are:

(1) Facilities that:

- (b) Accept only source-separated yard waste; and
- (b) May utilize the following source-separated bulking agents: wood chips, straw, shredded newspaper, shredded cardboard, sawdust and/or shredded brush. Such bulking agents may be commingled; and
- (2) Subject to the requirements of rules 3745-27-41 and 3745-27-45(F), of the Administrative Code; and
- (3) Exempt from the requirements of Chapters 3745-28 and 3745-37 of the Administrative Code; and
- (E) For the purposes of rules 3745-27-40 to 3745-27-47 of the Administrative Code, "materials placement" areas are any areas of the facility where solid wastes or bulking agents are placed, processed, or stored, including, but not limited to:
 - (1) Waste handling areas; and
 - (2) Areas used for mixing, windrowing, turning, composting, or otherwise processing solid waste; and
 - (3) Storage areas for:
 - (a) Bulking agents; and
 - (b) Curing compost; and
 - (c) Cured compost; and
- (d) Materials unauthorized for composting pending removal from the premises in accordance with paragraphs (D)(2) to (D)(3) of rule 3745-27-45 of the Administrative Code.
- (F) For the purposes of rules 3745-27-40 to 3745-27-47 of the Administrative Code, "animal waste" means animal excreta, bedding, wash waters, waste feed, and silage drainage.
- (G) Land application of yard waste for incorporation into soil for purposes including, but not limited to, use as a soil amendment, agricultural and horticultural applications, or land reclamation, is not subject to the requirements of rules 3745-27-40 through 3745-27-47, 3745-28, and 3745-37 of the Administrative Code provided that such land application does not create a nuisance or health hazard in the judgement of the health commissioner of [sic] the director.

HISTORY: Eff. 10-31-93 (1993-94 OMR 437)

1991-92 OMR 1681

Promulgated pursuant to RC Ch 119

NOTES:
CROSS REFERENCES