

AGENDA
MASSILLON PLANNING COMMISSION
NOVEMBER 9, 1994 7:30 P.M.
MAYOR'S CONFERENCE ROOM *

*** Note Location Change**

**** Item Added to Agenda**

1. Approval of the Minutes for the Commission Meetings of October 12, 1994.

2. Petitions and Requests

Request for Special Use - GTE Mobilnet Tower

Location: Kiwanis Park, located on the northwest corner of 16th Street, S.E., and Oak Avenue, S.E. GTE Mobilnet is seeking approval to construct a 185 foot monopole tower at this location to improve the company's wireless service in the Massillon community.

Commercial transmission towers are subject to the provisions of Section 1187.01 of the City Zoning Code, including review and recommendation by the Planning Commission, and approval by City Council.

Request for Variance from Subdivision Regulations - Castle West Estates

Location: 1020 and 1106 32nd Street, N.W. The owners of these two properties (Lots No. 14736 and 14741 respectively) are requesting a variance from Section 1111.09 of the City Subdivision Regulations requiring construction of sidewalks in residential areas within one-quarter mile of schools and parks. In accordance with Section 1113.07 of the City Subdivision Regulations, the City Planning Commission may grant variances to these regulations in situations where there are unusual or exceptional circumstances. This request has been submitted by Richard and Kim Himmel and by Robert and Sandra Eberhart.

Rezoning Request

Location: 2299 17th Street, S.W., Lots No. 13970 and 13971; presently zoned R-1 Single Family Residential, to be rezoned O-1 Office. This request has been submitted by James and Karen Lane who wish to operate a beauty shop at this location.

3. Other Business

The Massillon Planning Commission met in regular session on October 12, 1994, at 7:30 P.M. The following were present:

MEMBERS

Rev. David Dodson, Temporary Chairman
Jeanette Holloway
James Johnson
Wendell Edwards
Michael Loudiana
Thomas Wilson

STAFF

Robert Wagoner
Aane Aaby
Marilyn Frazier
Also present, 3rd Ward Councilman,
Dale Walterhouse

Rev. Dodson announced that Fred Wilson was on vacation and Mayor Cicchinelli was unable to be present due to another engagement. They were both excused.

The first item of business was the minutes of the September 14, Commission meeting. James Johnson moved for approval, seconded by Michael Loudiana, motion carried unanimously.

The next item under petitions and requests was a street vacation.

Location: Industrial Avenue, S.W., a 60-foot street running in an east-west direction between Bostic Boulevard, S.W., and 17th Street, S.W. The request is to vacate that portion of Industrial Avenue, S.W., from the west right-of-way of Bostic Boulevard westerly a distance of 185 feet. This request has been submitted by Tom Martin, DBA Martin Pallet, Inc.

Robert Wagoner made the presentation. He explained that this was a dead end street. He added that an easement should be retained for the sanitary sewer. Jeanette moved to approve the request, seconded by Wendell Edwards, motion carried unanimously.

The next item was a replat.

Replat - Part of Lot No. 1328

Location: 820 Parkview, N.E., located on the southeast corner of Parview, N.E., and Roslyn, N.E. The request is to replat Part of Lot No. 1328 into two separate lots: the smaller lot to contain the above house, the larger lot to continue as off-street parking for Alexandra's Salon, 1136 State, N.E. This request has been submitted by Sonia Stevenson.

The presentation was made by Aane Aaby. Mr. Aaby explained that Ms. Stevenson owned the property and wishes to sell the house but retain the larger area for parking. Dale Walterhouse asked if any parking would be left for the house. Mr. Aaby replied that it would but not very much. Mr. Edwards moved for approval, seconded by Thomas Wilson, motion carried unanimously.

The next item was a request for waiver of street requirements.

Request for Waiver of Street Requirements

Location: A proposed street to be constructed on the south side of Colonial Parkway, N.E., between Deerfield, N.E., and Woodview, N.E. The request is waive the City requirements for concrete curbs and gutters and to request approval of a 24-foot wide roadway instead of the City required 30-foot roadway width. This request has been submitted by Dave Conant.

Dave Conant was present and he stated his intention is to build two houses in the \$100,000.00 range. He would be putting in the street to provide access. Jim Johnson asked him why he wouldn't want to put curbs and gutters in. Mr. Conant replied that he was of the understanding the neighbors did not want them. Mr. Johnson added that he would think they would want curbs and gutters. Mr. Conant said if this was a problem, he could install them. Wendell Edwards asked about access, and Mr. Conant replied that he would be installing a 25-foot wide road. Mr. Johnson asked about the number of houses, Mr. Conant replied two. Robert Wagoner added that there is storm and sanitary sewer on the property. Mr. Aaby added that Mr. Conant needs to dedicate the street, but he doesn't own the lot he wishes to use for a street. Mrs. Holloway commented that the street should be built according to City regulations.

Mike Dottavio, 1961 Colonial Parkway, N.E., was present and he expressed concerns about the increased water and traffic.

Joseph Hartsock, 1941 Colonial Parkway, N.E., was present and he said he bought part of the buffer zone to be used for green area only.

Nick Morris, who presently owns the property in question, stated that he lived on Greenbriar Circle for twenty years. When he purchased the property it cost more because it was a building lot. This proposal would improve the area not hurt it.

Harry Giltz, III, was present and reiterated concerns previously expressed.

Councilman Dale Walterhouse was present and stated that he had researched Council minutes and the area was to remain a buffer zone. He also commented that he was concerned that later more houses would be built on this land and problems would occur.

Rev. Dodson commented that he felt this matter should be referred to the Law Director for clarification.

Dick Flores commented that he is afraid of water problems.

Stan Pearson, 1929 Colonial Parkway, N.E., was in opposition of the request.

Jeanette Holloway moved to table the request until further information and clarification could be obtained, seconded by Wendell Edwards, motion carried unanimously.

The final item for the evening was under Old Business.

Request for Approval of Residential Social Service Facility

Location: Kaylynn Street, S.E., Lots No. 11620 and 11621 (total area 17,128 square feet), zoned R-T Two Family Residential. Voca Corporation and Voca Residential Services, Inc., of Dublin, Ohio, is requesting approval of a conditional zoning use for the construction of a family home for developmentally disabled persons.

Massillon Planning Commission - October 12, 1994

The proposed facility will be a one-story, 3,414 square foot, 8-bed (5 bedrooms) intermediate care community residence. Under Section 1155.03 of the City Zoning Code, such residential facilities are conditionally permitted uses, subject to review and approval by the Planning Commission pursuant to the provisions of Section 1187.12 of the Zoning Code.

This request was tabled at last month's Commission Meeting.

Rev. Dodson prefaced the discussion first by asking how many were present last month which as a majority of those present tonight. He then went on to state that according to an ordinance passed in 1984, if the request met certain requirements, the Planning Commission must approve it. He referred to a letter from the City's Law Director, John Ferrero, which supported this contention. He then mentioned a report from Aane Aaby which provided information proving that the agency's proposal was in compliance with the ordinance.

Jim Johnson commented that he still has a problem with the request because he does not feel it conforms with other residences in the area. Aane Aaby stated that the City has no standards to judge a residential structure, except in the Historical District.

John Maucieri, 368 Kaylynn S.E., was present and commented on the issue of conformance with other properties in the area. Tom Hemingway, from Voca, was present and commented in an effort to work with neighbors they had amended the building plans to reflect some of the concerns previously expressed.

Cullen Pfendler, 2507 Harsh, S.E., was present and read an article from the newspaper regarding a couple who filed suit and received a settlement from the City because they were not permitted to construct a group home for senior citizens. He wanted similar consideration.

Jack Brown was present and commented on parking and safety.

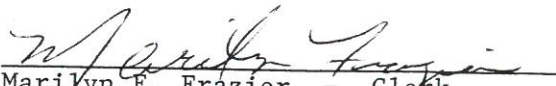
Mr. Aaby commented that the proposed parking is in compliance

Wendell Edwards moved that since there was no violation in standards set by the City, there was no reason to disapprove, Thomas Wilson seconded. Roll call vote:

Thomas Wilson - yes
Michael Loudiana - yes
Wendell Edwards - yes
Jim Johnson - yes
Jeanette Holloway - yes

Motion carried unanimously. There being no further business, meeting adjourned at 9:10 P. M.

Respectfully submitted,


Marilyn E. Frazier - Clerk

Approval:

MEF/ky



October 5, 1994

GTE Mobilnet
4500 Richmond Road
Warrensville Heights, OH 44128
216 765-6800

Mr. Alan W. Climer
Director of Public Service & Safety
Massillon Municipal Government Center
One James Duncan Plaza
Massillon, OH 44646

Dear Mr. Climer:

On September 23, 1994, I met with our Site Acquisition Agent, Tim Laps, regarding GTE Mobilnet erecting a tower within the City Limits of Massillon. The property that was discussed is in the park west of Sixteenth Street and North of Oak Avenue. GTE Mobilnet would like to erect a 185 foot monopole tower at this location to improve our wireless service in the Massillon community.

We would appreciate the following information relative to this area:

1. Any deed restrictions applicable to the park property.
2. The necessary planning approvals required to lease and build in the park.
3. The zoning requirements and necessary easements for access.

We appreciate the time you took to meet with Tim. He will be contacting you within the next two weeks regarding our request and to follow up on the above information required for this tower erection.

GTE Mobilnet would welcome the opportunity to discuss our site plan layout with you at your convenience.

I thank you in advance for your help and cooperation.

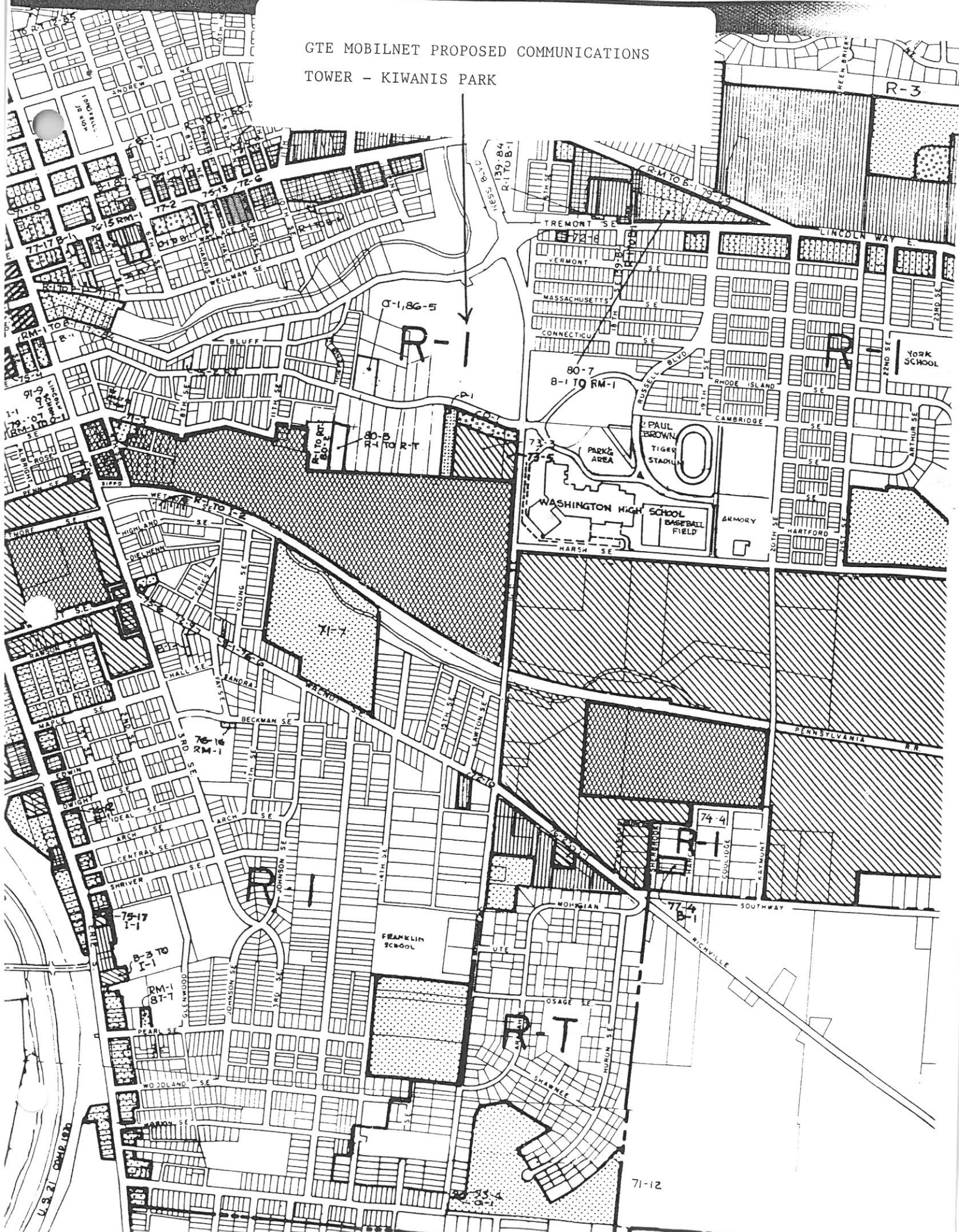
Sincerely yours,

A handwritten signature in cursive script that reads "Tony McDowell".

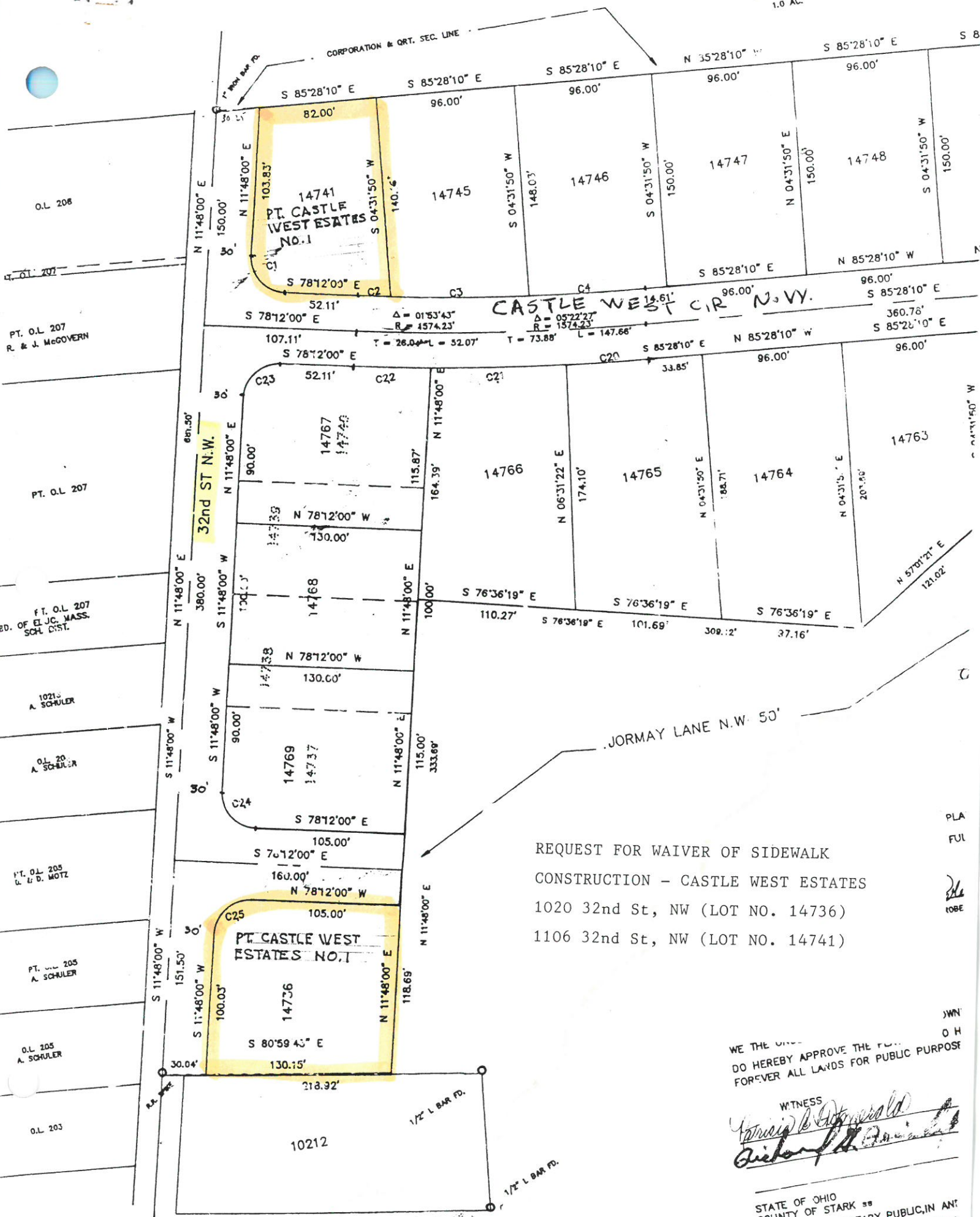
Tony McDowell
Manager-Network Ohio/PA

/pjb

GTE MOBILNET PROPOSED COMMUNICATIONS
TOWER - KIWANIS PARK



R. & E. GAINES
1.0 AC.



REQUEST FOR WAIVER OF SIDEWALK
CONSTRUCTION - CASTLE WEST ESTATES
1020 32nd St, NW (LOT NO. 14736)
1106 32nd St, NW (LOT NO. 14741)

WE THE UNDERSIGNED
DO HEREBY APPROVE THE PLAT
FOR ALL LANDS FOR PUBLIC PURPOSES

WITNESS
[Signature]
[Signature]

STATE OF OHIO
COUNTY OF STARK
NOTARY PUBLIC, IN AND FOR THE COUNTY OF STARK

November 3, 1994

To Whom It May Concern,

We, being the property owners at 1020 32nd Street N.W. and 1106 32nd Street N.W. in Massillon Ohio (Castle West Estates), are requesting a variance of the present city regulations concerning sidewalks in new developments, due to the hardship these proposed sidewalks will create. Our reasons for this request are as follows:

At the time we purchased our land there was no plan or mention of a sidewalk. The homes were positioned on the lots with us having no knowledge of any planned sidewalk. If we would have had the privilege of this information our homes would have been set back farther to allow for the sidewalk area. If these sidewalks are to become a reality we have been informed by an independent appraiser that our property values will decline. On the property at 1020 32nd Street N.W. the end of the drive way will have to be removed and replaced in order to accommodate the proposed sidewalk. This being the case even after the drive way was surveyed by one of the city's engineers who informed the contractor what grade the drive was to be constructed, the engineer had the privilege of knowing the city's plans for future sidewalks. The original plan for 1020 and 1106 32nd Street N.W. was for the driveways to come in off of Jormay Lane and Castle West respectively. This did not become a reality due to the developer and city not being able to reach an agreement as promised to the owners of 1020 and 1106 32nd Street N.W.. Therefore causing both homeowners to position our homes with the drives coming in from 32nd Street N.W..

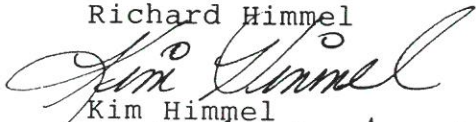
The owners of 1106 32nd Street N.W. have sump pump pipes that will run beneath the proposed sidewalks. We have been informed that this will create a future problem when the sidewalks settle.

We feel we are being penalized for being the first two homes built in this new allotment, in addition these proposed sidewalks serve no useful purpose to the public or the neighborhood. The existing neighbors have been contacted and are all in agreement that these sidewalks will be a detriment to the area the primary reason being that there are no other sidewalks in this neighborhood and these sidewalks are leading no where.

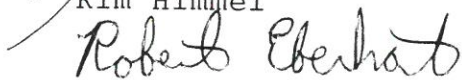
In closing, we are requesting a variance to remove the extraordinary hardship this will cause us.



Richard Himmel



Kim Himmel



Robert Eberhart



Sandra Eberhart

