

AGENDA
MASSILLON PLANNING COMMISSION
AUGUST 14, 1996 **7:30 P.M.**
MASSILLON CITY COUNCIL CHAMBERS

1. Approval of the Minutes for the Commission Meeting of July 10, 1996.

2. Petitions and Requests

Rezoning Request

Location: 1114 Wallace Avenue, S.E., consisting of Lot No. 1482 and part of Lot No. 1481. The request is to rezone this property from R-1 Single Family Residential to P-1 Vehicular Parking. This request has been submitted by Daniel E. Evans, DVM, and Mark A. Christine, DVM, of Massillon Animal Hospital who wish to demolish the dwelling on this property and construct an off-street parking facility for their business, which is located at 1107 Lincoln Way East.

Re-Plat

Location: Lots No. 14860, 14861, and 14862, located on the north side of Trillium Circle, N.E., west of Fallen Oak Circle, N.E. The request is to replat these parcels into two lots, zoned R-3 Single Family Residential. This request has been submitted by MDS Development Corporation

Re-Plat

Location: Lots No. 3412 and 3413, located on the south side of Walnut Road, S.E., west of 16th Street, S.E. The request is to replat these parcels into three lots, zoned R-1 Single Family Residential. This request has been submitted by Neighborhood Housing Services of Massillon, Inc.

Re-Plat

Location: Lot No. 12868 and Part of Out Lot 435, located at 1526 Merino Circle, N.E. The request is to rezone these two parcels into one lot zoned R-3 Single Family Residential. This request has been submitted by Cooper and Associates for P.R. Development Ltd.

3. Other Business

Street and Alley Vacations

City Engineer James Benekos to discuss proposed changes to the City's policies and procedures for processing street and alley vacation requests.

The Massillon Planning Commission met in regular session on July 10, 1996, at 7:30 P.M., in Massillon City Council Chambers. The meeting was chaired by Vice Chairman, Rev. David Dodson, due to the illness of Fred Wilson. Also present:

MEMBERS

Mayor Francis H. Cicchinelli, Jr.
Michael Loudiana
Thomas Wilson
James Johnson
Moe Rickett

STAFF

Aane Aaby
Marilyn Frazier

The first item of business was the minutes of the June 12, meeting. James Johnson moved for approval, seconded by Michael Loudiana, motion carried unanimously.

The next item under petitions and requests was a rezoning request.

REZONING REQUEST

Location: 2012 Lincoln Way, N.W., Part of Out Lot 168, a 0.54 acre parcel of land located on the north side of Lincoln Way, N.W., between 19th Street, N.W., and Grosvenor Street, N.W. The request is to rezone this property from M-1 Multiple Family Residential to B-1 Local Business. This request has been submitted by Attorney Thomas V. Ferrero on behalf of Joseph and Mary Cusma who have an agreement to purchase this property contingent upon rezoning. The purpose of this rezoning is to permit the construction of a drive-through pharmacy on this property.

Mr. Aaby presented the request. He noted that the address on the Agenda is incorrect. It should be 2012 Lincoln Way West instead of 2102. The petition contains eleven signatures of the twenty-six property owners in the area. This property is zoned Multiple Family although it is being used as Single Family. East of the site is Single Family Residential, west is Business Zoning (shopping center and bank). The south side is Single Family with some legal non-conforming businesses in the area.

Rev. Dodson asked that anyone opposed to the rezoning speak first.

Julie Turkal, 511 Grosvenor N.W., commented that she was very much opposed to this rezoning. She said there are already three drug stores in the neighborhood and the area can't support a fourth.

Stephanie Lohr, owner of Kraus' Pizza Shop, 1917 Lincoln Way N.W., commented that she had been contacted by several neighbors who were opposed to this rezoning and wanted her to express their opposition to the Commission.

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Massillon Planning Commission

July 10, 1996

She commented that Larry Kraus, the owner of the pizza shop property, had signed the petition but wanted his name deleted. Thomas Ferrero, Attorney for Mr. & Mrs. Cusma, confirmed that information.

Robert Davies, 206 Korman, N.E., owner of Baltzley Drugs, spoke in opposition of the request. He does not feel the area can support another drug store. Other reasons which were mentioned included traffic, noise and dirt.

Attorney Thomas Ferrero spoke on behalf of the Cusmas, who have been in the pharmacy business for a number of years. It will be a drive-up type of facility. The present building will be demolished.

It is conducive to the area which is business. A new structure would be an improvement to the area since the present building is in disrepair. The Cusmas have no intention of infringing on the health, safety or welfare of the residents.

Moe Rickett asked about the hours on Saturday (9:00 A.M. - 1:30 P.M.)

Moe Cusma spoke about the services which would be provided. Mayor Cicchinelli asked Mr. Cusma if he had tried to encourage him to open this facility in downtown Massillon. Mr. Cusma replied "yes".

Mayor Cicchinelli then commented that this is a perfect example that a study needs to be conducted of the 6th Ward to determine a direction for the area. A lot of annexation has occurred in this area. He and Mr. Lambert, 6th Ward Councilman, is working on this. Paul Lambert was present, but had no comment at this time.

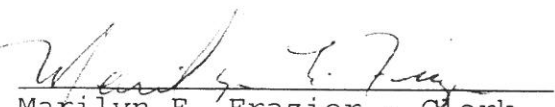
There were additional comments by Commission Members including Michael Loudiana's remarks that this rezoning application included a plan and other information the Commission usually request and he feels this rezoning will probably occur either now or later.

Thomas Wilson moved for approval, seconded by Michael Loudiana, the motion carried unanimously.

There being no further business, the meeting adjourned at 8:15 P.M.

Respectfully submitted,

Approval:


Marilyn E. Frazier - Clerk

EF/ky

TO THE PLANNING COMMISSION:

(We), the undersigned, do hereby respectfully make application and petition the City Council to amend the Zoning Ordinance and change the zoning map as hereinafter requested and in support of the Application, the following facts are shown: (Complete either 1 or 2)

1. The property is part of a recorded plat. The property sought to be rezoned is located at 1114 WALLACE ST. S.E.
between 10TH STREET S.E. Street and PINE S.E.
_____ on the NORTH side of the street, and is known as
Lot(s) Number # 1482 of _____
(subdivision). It has a frontage of 42' feet and a depth of
75.5' feet.
2. The property is in acreage, and if not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage also.)

3. The property sought to be rezoned is owned by: _____
NAME: DANIEL E. EVANS JR. DVM & MARK A. CHRISTIE, DVM
ADDRESS: 4675 MEADOWVIEW DR. N.W. 414 FOURTH ST. N.E.
CITY: CANTON, OHIO MASSILLON, OHIO
4. It is desired and requested that the foregoing described property is
rezoned from RESIDENTIAL to
PARKING

5. It is proposed that the property will be put to the following use:
A PAVED PARKING LOT
6. It is proposed that the following building(s) will be constructed:
N/A
7. Attach a statement here to indicate why, in your opinion, the change is necessary for the preservation and enjoyment of substantial property rights, and why such change will not be detrimental to the public welfare, nor the property of other persons located in the vicinity thereof.
8. Attach two (2) prints of a parcel map drawn at a scale of not less than 1" = 20', if the parcel is under three (3) acres and 1" = 100' if the parcel is three (3) acres or more, showing the lot or parcel in question and all adjacent and abutting property lines, public right-of-ways, and existing zoning.

Signature of Applicant:

Address:

City:

Phone Number: ()

Marshall Christensen DM Daniel E Evans DM

414 FORTH ST. N.E.

4675 MEMORIAL DR. N.E.

MARIETTA, Ohio

CANTON, OHIO

330-833-2600

330-494-0229

9. Applicant's basis of representation (e.g., legal representative, owner, option to buy):

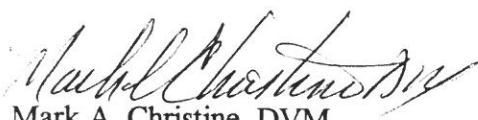
OWNERS

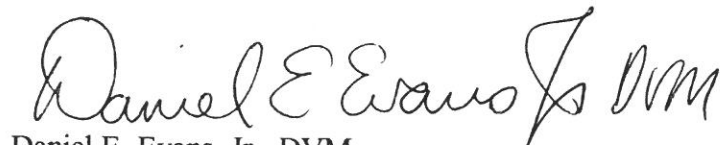
The house and garage which now stand at 1114 Wallace Street S.E. have fallen into disrepair. The roof leaks, there are damaged and missing shingles, the paint is failing and several of the windows are boarded shut. The structures at this time represent an eyesore and a detriment to the neighborhood.

It is our intent to remove this run-down structure and replace it with a well designed, well landscaped and well maintained parking facility. This facility will be paved and surrounded by plantings to maintain a professional appearance. This parking facility will be used for the employees of the Massillon Animal Hospital, Inc. These employees currently take up 8 to 10 on-street parking spaces during business hours (8am-6pm). Approval of this new parking facility will move these 8 to 10 vehicles off the streets and provide residents and visitors to the surrounding neighborhood ample on-street parking. Removing these vehicles from the street will also increase the chances of the street cleaner being able to clean without obstacles during the working day.

Based on the above statements it is our belief that the rezoning of 1114 Wallace S.E from residential to parking would enhance the public welfare and allow the preservation and enjoyment of substantial property rights of our neighbors.

Respectfully,.


Mark A. Christine, DVM

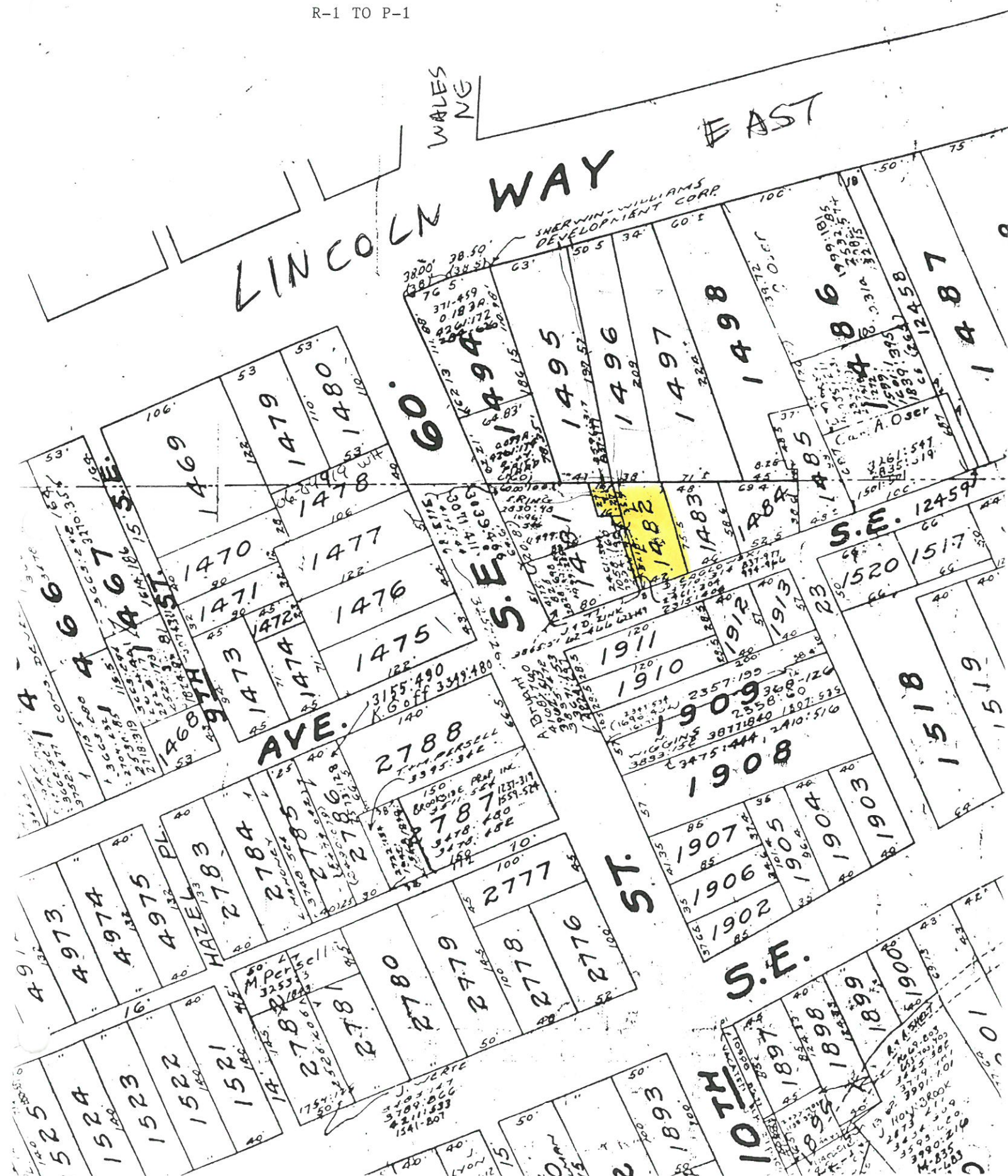

Daniel E. Evans, Jr., DVM

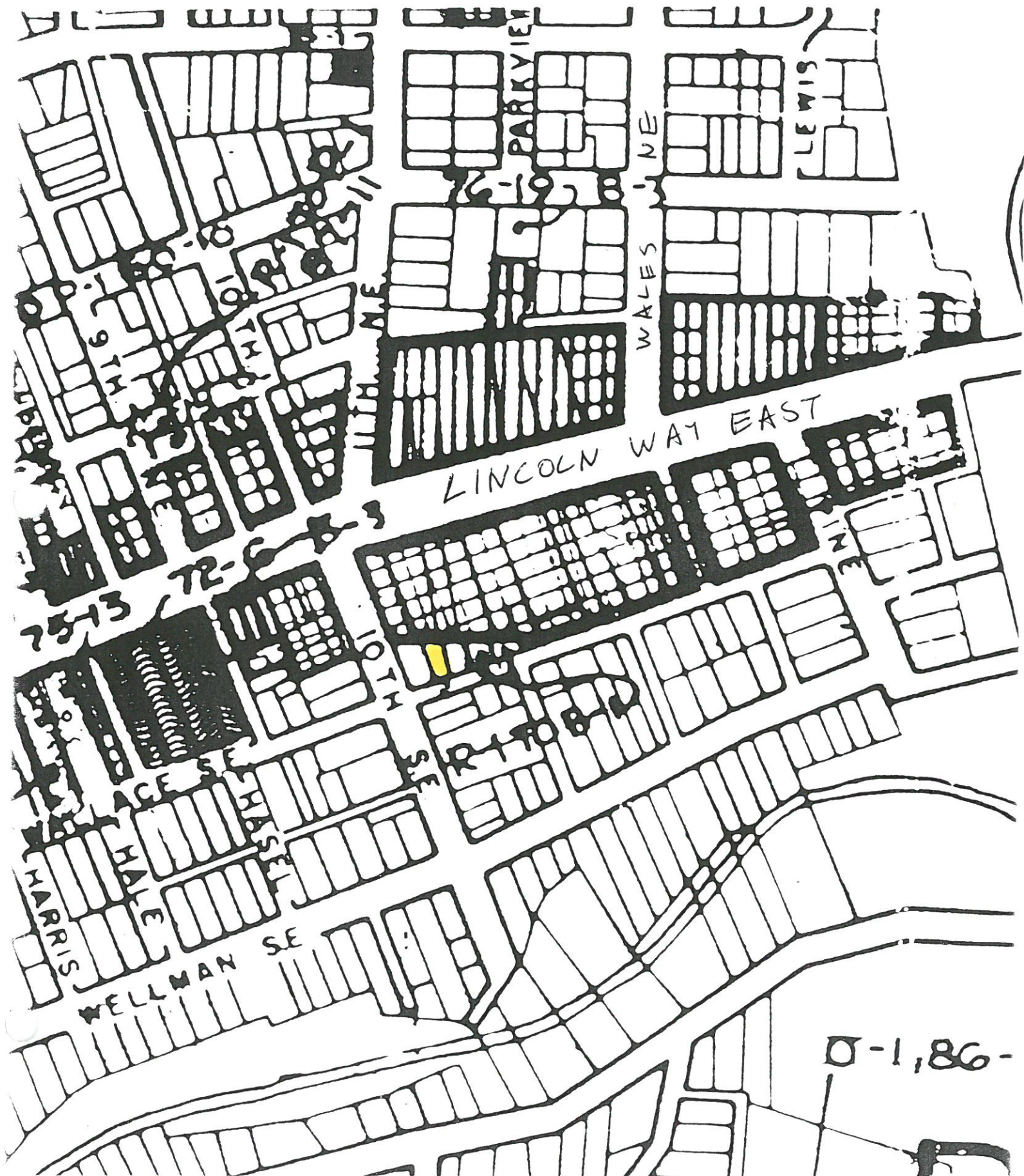
C-5

C-5

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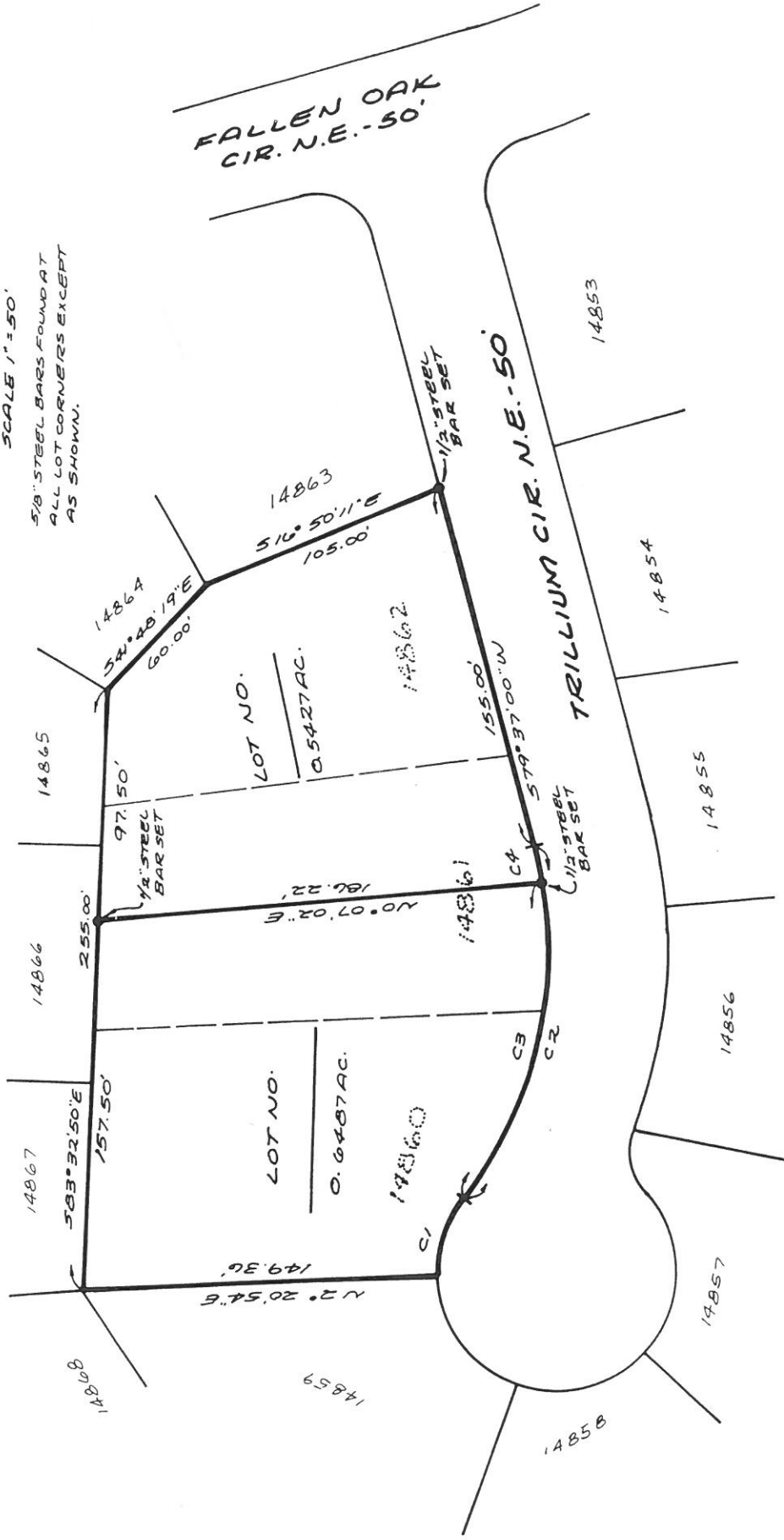




REPLAT OF LOT 14860-14862 IN
 COLONIAL HILLS NO. 12 AS RECORDED
 IN PLAT BOOK 58, PAGE 63 IN THE
 CITY OF MASSILLON,
 STARK COUNTY, OHIO

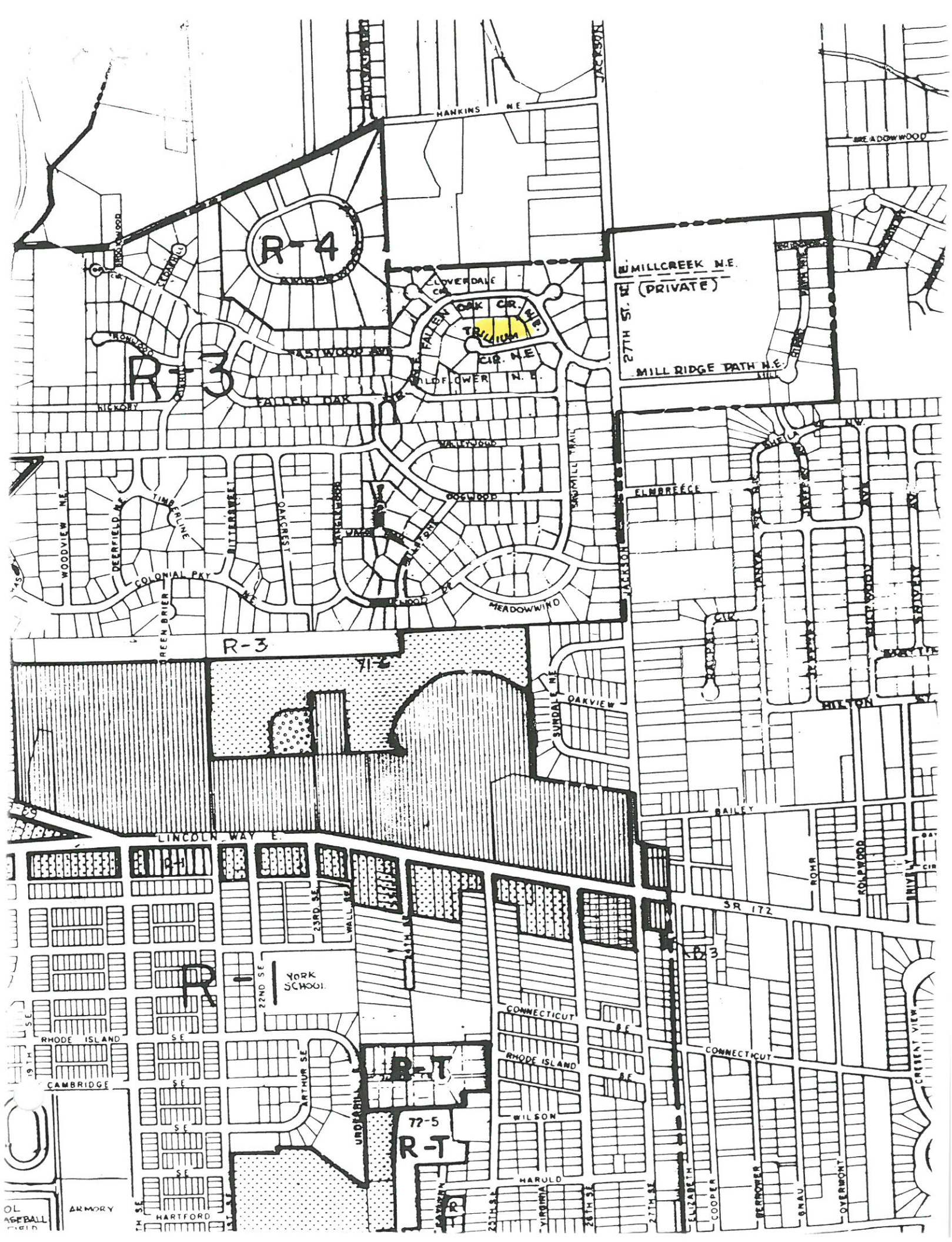


5/8" STEEL BARS FOUND AT
 ALL LOT CORNERS EXCEPT
 AS SHOWN.

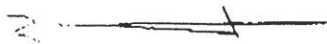
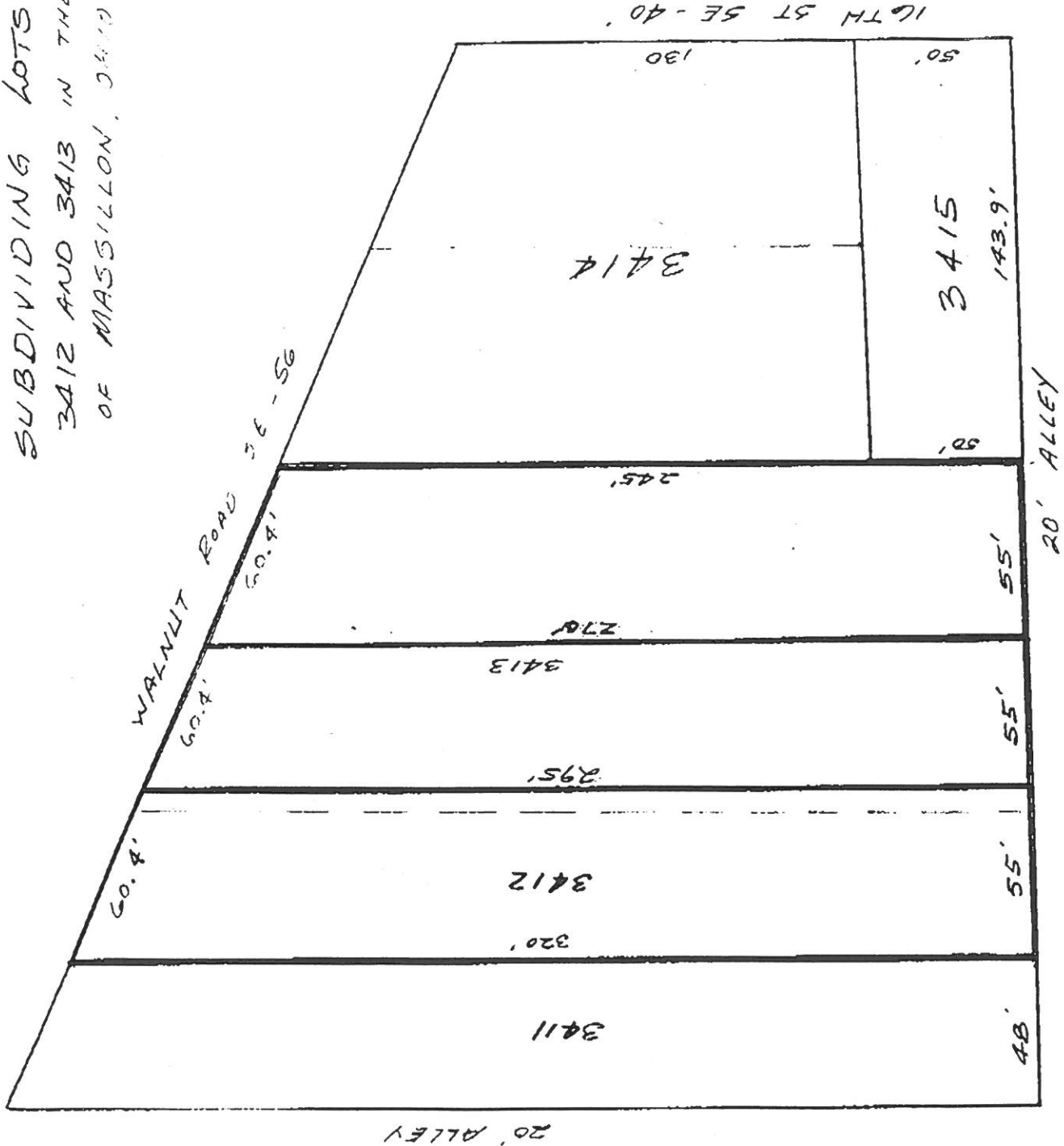


2 LOTS
 DATE: JULY, 1996
 ACREAGE SUMMARY
 LOTS 1.1914 AC.

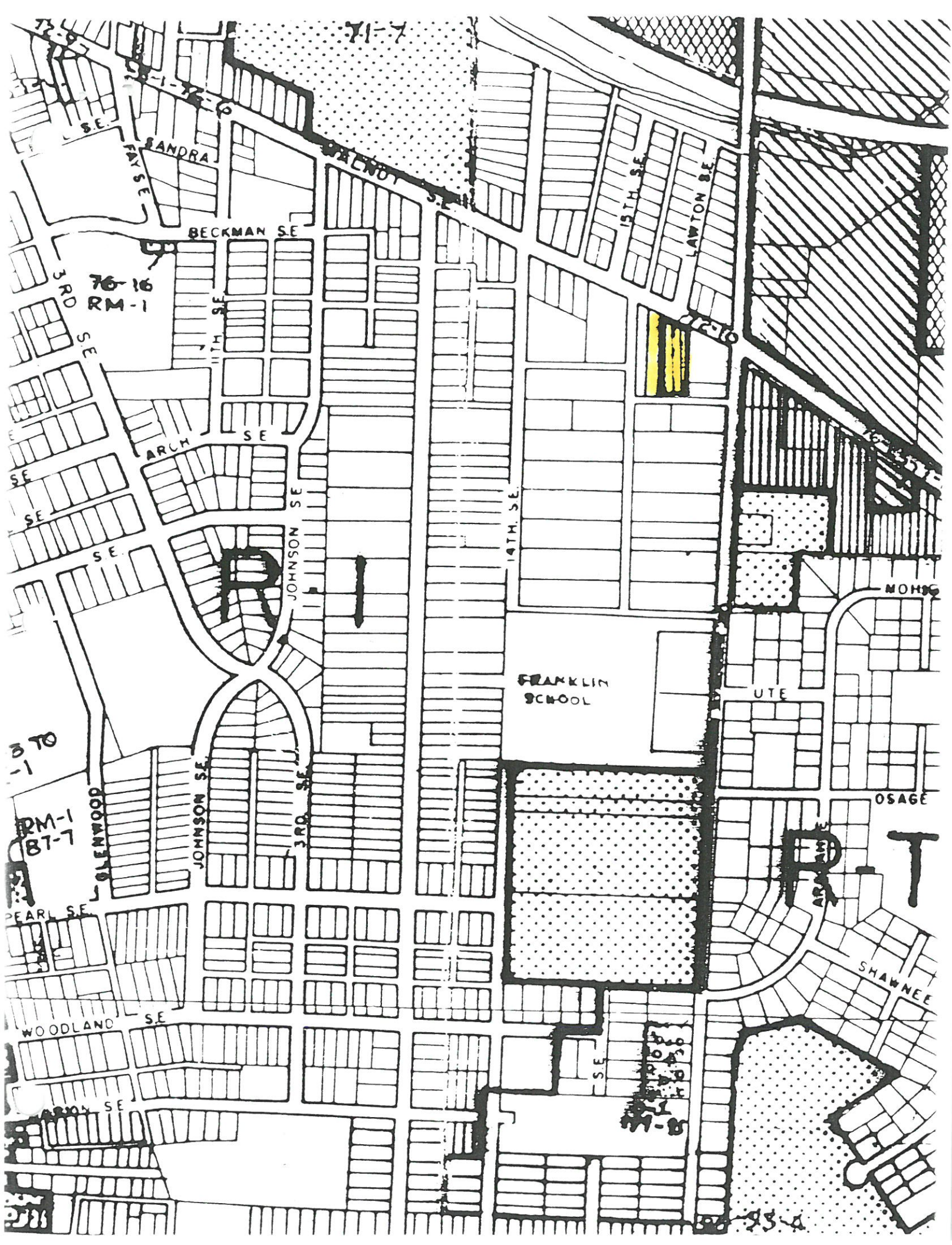
BY:
 POGGEMEYER DESIGN GROUP, INC.
 5440 FULTON DR. N.W. SUITE 211
 CANTON, OHIO 44718
 (216)-966-8808



PRELIMINARY PLAT
SUBDIVIDING LOTS
3412 AND 3413 IN THE CITY
OF MASSILLON, OHIO



SCALE: 1"=50'



71-7

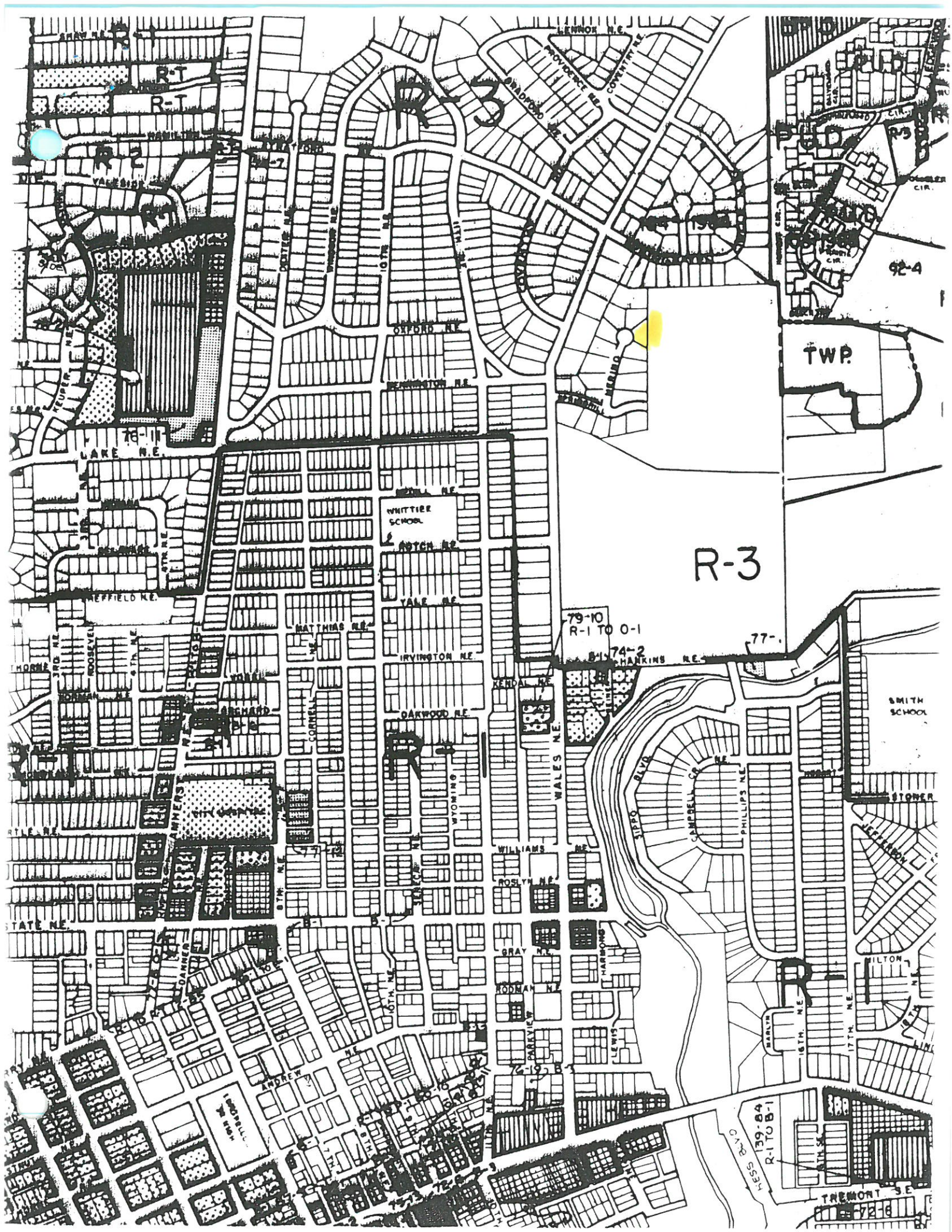
76-16
RM-1

3 TO
-1
RM-1
87-7

77-8

88-23-A

MASSILLON MUSEUM FOUNDATION INC.
D V 3251 PG 617 12 60 AC



THE CITY OF MASSILLON, OHIO

Francis H. Cicchinelli, Jr.
Mayor

Phone (330) 830-1700
Fax (330) 830-1764

Director of Public Safety & Service
Alan W. Climer — 830-1702

Public Service
830-1701

City Engineer/Planning Director
James J. Benekos — 830-1722

**Community/
Economic Development Director**
Aane Aaby — 830-1721

Golf Course Superintendent
Martin A. Young — 830-4653

Chief Building Official
Starr Surbey — 830-1724

Housing Director
Marilyn Frazier — 830-1717

**Wastewater Treatment Department
Manager/Superintendent**
Ronald L. Halter — 833-3304

Collections Department Chief
Linda S. McGill — 830-1705

Chief of Police
Mark D. Weldon — 830-1762

Fire Chief
Tommy R. Matthews — 833-1053

**Equal Employment Opportunity/
Minority Business/Drug Coordinator**
Edward W. Grier — 830-1716

Health Commissioner
Richard J. Kaserman — 830-1710

Parks & Recreation Department
830-1791

Youth Director
Constance Ledwell — 837-3137

Senior Citizens Director
Nancy A. Johnson — 837-2784

Data Center Chief
Keith Wires — 830-3647

Income Tax Department
830-1709

PROCEDURES FOR STREET/ALLEY VACATIONS

1. Applicant hires a surveyor in private practice to prepare a vacation plat (sample attached).
2. Applicant or the surveyor provides a list of all abutting property owners names and mailing addresses, along with signatures of each property owner. The alley vacation form provides a page for this information.
3. Surveyor will have the property split pre-approved by the Stark County Auditor's Office.
4. Applicant describes the reasons for the request, which is also part of the application form.
5. Applicant files the application form, five copies of the plat and the appropriate fee with City Engineer's office.
6. The Engineer's office will review the application package for completeness and submit it to the Planning Commission.
7. The Engineer's office will circulate copies of the request to the Police Chief, the Fire Chief, all adjacent property owners, and to the affected utility companies.
8. Street/Alley will be posted as "Under Study for Closing".
9. Planning staff presents a report and recommendation to the Planning Commission.
10. The Commission sends its recommendation to City Council.
11. City Council schedules a public hearing and has final action on the request. If the "Waiver of Notice of Public Hearing" (part of application) is not signed by all abutting owners, then the date and purpose of the public hearing must be published for six consecutive weeks in the Independent at the applicant's expense.

Massillon Municipal Government Center
One James Duncan Plaza
Massillon, Ohio 44646

CERTIFICATION

I HERBY CERTIFY THAT THIS IS A CORRECT PLAT OF THE VACATION OF PART OF ORANGE AVE. S.W. IN THE CITY OF MASSILLON, STARK COUNTY, OHIO. CERTIFICATION OF OWNERSHIP OF PROPERTIES TO BE MADE BY PARTIES OTHER THAN SURVEYOR.

JOE SURVEYOR, P.S. No. 1234
 CITY COUNCIL
 ACCEPTED BY CITY COUNCIL BY ORDINANCE NO. _____
 PASSED _____

PRESIDENT _____ CLERK OF COUNCIL _____
 PLANNING COMMISSION
 APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MASSILLON
 AT A MEETING HELD _____

SECRETARY _____ CHAIRMAN _____
 CITY ENGINEER _____
 VACATED PORTIONS GIVEN CITY LOT NO.'S _____

JAMES J. BENEKOS, P.E., P.S.
 CITY ENGINEER

CITY AUDITOR
 ENTERED FOR TRANSFER THIS _____ DAY OF _____, 199 _____

STARK COUNTY AUDITOR
 COUNTY RECORDER
 RECEIVED FOR RECORD THIS _____ DAY OF _____, 199 _____
 RECORDED IN PLAT BOOK _____, PAGE _____

STARK COUNTY RECORDER

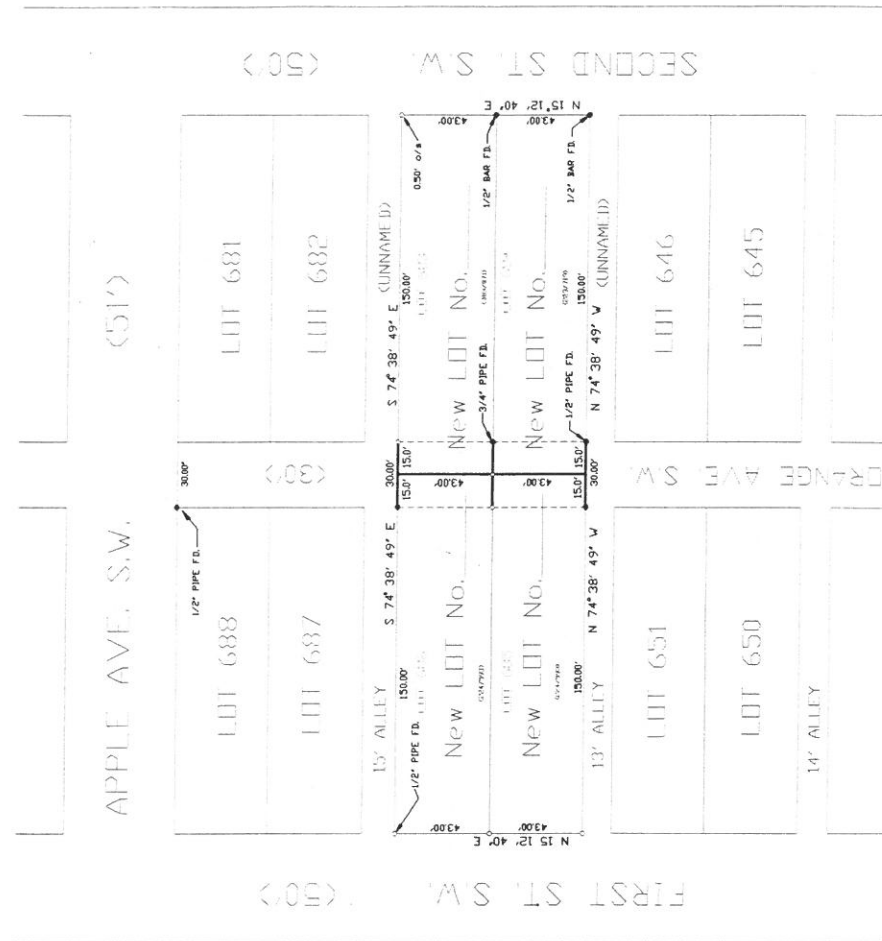
THE BASIS OF BEARING FOR THIS SURVEY WAS THE SOUTH LINE OF THE 15 FOOT ALLEY AND THE BEARING OF N 74° 38' 49" W WAS TAKEN FROM PLAT BOOK _____, PAGE _____

SCALE: 1" = 50'
 DATE: _____ FIELD BOOK: _____
 JOB NO. _____ REFERENCES: _____
 PLAT BOOK _____, PAGE _____

PREPARED BY:
 JOE & ASSOCIATES
 P.O. BOX 123
 MASSILLON, OHIO 44646
 330-555-1234

SAMPLE VACATION AND REPLAT

OF ORANGE AVENUE S.W. RUNNING BETWEEN LOTS 683 & 684 ON THE EAST AND LOTS 685 & 686 ON THE WEST FROM THE NORTH OF A 13' ALLEY (UNNAMED) TO THE SOUTH LINE OF A 15' ALLEY (UNNAMED) IN THE CITY OF MASSILLON, COUNTY OF STARK, AND STATE OF OHIO.



LEGEND
 • IRON PIN FOUND
 ○ IRON PIN SET w/ CAP



SCALE IN FEET
 (REDUCED SCALE)

0.0592 ACRES
 to be
 VACATED

VACATION APPLICATION

Massillon City Council
Massillon Municipal Center
One James Duncan Plaza
Massillon, Ohio 44646

Dear President and Honorable Members:

I hereby make application and petition the Massillon City Planning Commission and
Massillon City Council to vacate a portion of _____,

a _____ foot wide street/alley, briefly described as follows:

Reason(s) for requesting the vacation are:

_____ The street/alley has never been constructed, and therefore does not serve the public.

_____ The street/alley does not serve the public because _____

_____ If the street/alley were to be vacated, my land holding could be consolidated into a more
useful configuration for the purpose of: _____

Other _____

(Street/Alley Name)

www.sciencedirect.com/journal/journal-of-macroeconomics

Keywords: *workplace spirituality, organizational commitment, organizational citizenship behavior, turnover intention, organizational trust*

[illegible]

WAIVER OF NOTICE OF PUBLIC HEARING*

The undersigned persons, being sole owners of property abutting the vacation of:

(Street/Alley name and limits)

do hereby waive our right to a Legal Notice of the intention of the City of Massillon to vacate
said street/alley as set forth in Section 723.07 of the Ohio Revised Code and are hereby in favor
of/or opposed to said vacation:

<u>LOT #</u>	<u>NAME (typed or printed)</u>	<u>SIGNATURE</u>	<u>FOR</u>	<u>AGAINST</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

*Note: If the waiver is not signed by all abutting owners, then a public hearing notice must be published in the newspaper for six (6) consecutive weeks at the applicant's expense.

ADDRESS

[illegible][illegible]

Accompanying this application are:

- _____ Filing fee: **No charge** if all abutting property owners sign waiver.
Or **\$10.00 plus cost of legal advertisement** if all abutting property owners do not sign waiver.
- _____ Vacation Plat: Properly prepared by a registered surveyor. (Original tracing and five (5) prints.
- _____ Legal description of the vacated portion.
- _____ List of abutting property owners and mailing addresses and the signatures of those owners who agree to waive the right to legal notice of the vacation.
- _____ List of utilities occupying existing street/alley.

To the best of my knowledge, the information contained in this application and any attachment is true and correct.

Applicant's signature

Name - typed or printed

Company name - typed or printed (if applicable)

Address - typed or printed

City, State, Zip Code

Telephone Number



NOTES:

- ◆ The process takes about three months from the time the plat is received in the Planning Office.
- ◆ Surveying fees will vary, depending on the size of the alley and the surveyor used.
- ◆ When vacated the alley is divided among all abutting property owners.
- ◆ When vacated the alley must be made to look as though it is no longer a public alley.
- ◆ Any utilities occupying the existing right-of-way will retain an easement per 723.041 of The Ohio Revised Code.

PROPOSED

CHAPTER 909

Streets

- | | | | |
|--------|--|--------|---------|
| 909.01 | Petition for vacating public streets and alleys. | 909.03 | Process |
| 909.02 | Fees. | 909.99 | Penalty |

CROSS REFERENCES

Assessments - see Ohio R.C. 701.05, Ch 727
Power to establish and care for streets - see Ohio R.C. 715.19, 717.01, 723.01
Openings by the Municipality - see Ohio R.C. 723.02
Dedication and acceptance - see Ohio R.C. 723.03
Sprinkling - see Ohio R.C. 723.16 et seq.
Surface treatment - see Ohio R.C. 723.23, 723.31
Excavation liability - see Ohio R.C. 723.49 et seq.
Changing established grade - see Ohio R.C. 727.07
Compulsory service connections - see Ohio R.C. 729.06, 743.37
Digging, excavating and piling earthy on streets - see Ohio R.C. 5589.10

909.01 PETITION FOR VACATING PUBLIC STREETS AND ALLEYS.

(a) The Petitioner shall submit petition to vacate a street or alley in the City Engineer's office.

(b) At the time the petition is submitted to the Engineer's office it must be accompanied by the appropriate fee.

909.02 FEES

(a) The fee should be a sum that the City Engineer determines to pay the expense of administration, advertising, transfer and recording fees with Stark County.

(b) Any money received by the City Engineer shall be deposited to the credit of the service fund.

909.03 PROCESS

(a) Applicant submits petition to vacate and vacation plat to the City Engineer's Office.

(b) The petition and plat will be reviewed by the City Engineer's office and submitted to the Planning Commission for recommendation.

(c) The Planning Commission will submit its recommendation to Council.

(d) Council will schedule a public hearing and take action to approve or disapprove the request.

(e) The Engineer's office will have the plat recorded with Stark County and notify the applicant.

909.00 PENALTY

Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the fourth degree. Each day in which a violation occurs or continues shall be a separate offense.