
A G E N D A
MASSILLON PLANNING COMMISSION
July 9, 1997 **7:30 P.M.**
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of June 11, 1997.*
2. *Petitions and Requests*

Rezoning Request

Location: 122-124-126 8th, Street, N.E. Lot No. 543. The request is to rezone this property from R-1 Single Family Residential to B-1 Local Business. This request has been submitted by James Alexander, the property owner, who wishes to use this property as a storage facility for his vending machine business.

Rezoning Request

Location: Out Lot 738, a 12.096 acre parcel of land located on the north side of Nave Road, S.E., east of Veterans Boulevard, S.E. The request is to rezone this property from R-3 Single Family Residential to RM-1 Multiple Family Residential. This request has been submitted by the City, which is in the process of conveying this property to A. R. Lockhart for the development of multiple family housing next to the Legends of Massillon Golf Course.

Preliminary Plat - Old Dutchman Estates (formerly Countryview Estates)

Location: A 65.1 acre parcel of land located on the south side of Main Avenue West, west of 25th Street, N.W. Now known as Old Dutchman Estates, this is a revision of the preliminary plat for the development then called Countryview Estates. Total number of lots: 138. Zoning: R-3 Single Family Residential. The first phase of the development, consisting of 28 lots, is currently under development. The owner/developer is Bob Benson. The project engineer is Hammontree & Associates. Minor revisions to this plat are being made in the vicinity of the creek that runs across the southern portion of the development.

Replat - Out Lot 286 and 524

Location: The southeast corner of Finefrock Drive, S.W. (S.R. 241) , and 17th Street, S.W. The request is to replat these two lots into one lot, 5.016 acres in size. The property owners, A. & T. Eggleston, are selling this property to T. Martin. Jerry Nichols of Nichols Field Services, Inc., is the surveyor.

Lot Split - Lot No. 12263

Location: The northeast corner of Carlene Avenue, S.W., and 22nd Street, S.W. The request is to split this property into two lots, each 100 feet by 100 feet in size. The property owner is Randall Thorne. The surveyor is Orville DeBos.

Lot Split - Lot No. 3388

Location: 518 Webb Avenue, S.W., and 524 Webb Avenue, S.E., located on the northwest corner of Webb Avenue, S.W., and Duncan Place, S.W. The request is to split this property into two lots. The property owners are Larry and Kara Vogt.

Street Vacation

Location: A portion of Stanton Avenue, N.W., a 50 foot wide right-of-way, lying between Gordon Avenue, S.W., and Crest Circle, S.W., and running in an east-west direction between 29th Street, N.W., and the Massillon Corporation Line. The request is to vacate that portion of Stanton Avenue, N.W., from the southeast property line of Lot No. 15190 westerly to the City Corporation Line, a distance of 122 feet. This request has been submitted by Curtis Speck.

The Massillon Planning Commission met in regular session on June 11, 1997, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

MEMBERS

Chairman Fred Wilson
Rev. David Dodson
Mayor Francis H. Cicchinelli, Jr.
James Johnson
Wendell Edwards
Alan Climer
Michael Loudiana
Jeannette Holloway

STAFF

Aane Aaby
Marilyn Frazier
Kirk Albrecht
BEN BRADLEY

The first item of business was the approval of the minutes for the Commission meeting of May 14, 1997. Al Climer moved for approval, seconded by Ben Bradley, motion carried.

The next item under Petitions and Requests was a Rezoning Request.

Rezoning Request

Location: 54 Pine Street, S.E., Lot 3196. The request is to rezone this property from R-1 Single Family Residential to B-3 General Business. This request has been submitted by Leslie Smith, who wished to convert this property into a "Bed and Breakfast" hotel.

Aane Aaby presented the request. The property is located on the southeast corner of Pine and Wellman S.E. It was formerly a nursing home. Mr. & Mrs. Smith are considering purchasing the property and converting it into a Bed and Breakfast. Since there is no classification for Bed and Breakfast facilities and they aren't clearly hotels or rooming houses, an opinion has been requested from the Law Director.

The Wellman Homeowners' Association has some questions about the proposed business. Rev. Dodson moved to table the request because without the opinion of the Law Director and other information, the request is premature, Mr. Loudiana seconded the motion which carried unanimously.

Mayor Cicchinelli suggested the Commission should listen to comments from residents who were present. Bill Mavrakis of 630 Wellman S.E., spoke on behalf of the Wellman Homeowners' Association. He commented that they aren't opposed to a Bed and Breakfast, their concern is in the event the building ceases to be used as a Bed and Breakfast they wouldn't want another less desirable business to operate at the site. They had some other concerns regarding parking, etc. Mark Smith, along with his wife, Leslie, who submitted the request, was present and agreed to cooperate with the Homeowners' Association.

The next item under Other Business was a Proposed Zoning Code Amendment - General Agricultural District.

Proposed Zoning Code Amendment - General Agricultural District

The City is proposing an amendment to its zoning code, which would establish a new zoning district, A-2 General Agricultural. The purpose of this district is to allow agricultural and other related uses, such as farming and livestock, within the City.

Aane Aaby distributed the proposed amendment. Kirk Albrecht explained that there are residents who live outside the City limits who would like to be annexed into the City but allowed to continue farming their land. (the proposed amendment is included as a part of these minutes)

There was a detailed and extended discussion on the topic. Mr. Albrecht explained that Chief Weldon had reviewed the ordinance and wants some restrictions added regarding the discharge of fire arms.

Mayor Cicchinelli commented that the minimum lot size should be larger than the proposed five acres.

Wendell Edwards moved to approve the proposed amendment. The motion died for lack of a second. Jim Johnson then moved to table the item, Rev. Dodson seconded, motion passed 8 - 1. (Wendell Edwards - no)

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

Respectfully submitted,


Marilyn E. Frazier
Commission Clerk

Approval:

CHAPTER 1174
A-2 General Agricultural District

1174.01 Intent.

1174.02 Principal uses permitted.

1174.03 Principal uses permitted

Subject to special conditions.

1174.04 Area and bulk requirements.

1174.01 INTENT.

The A-2 General Agricultural District is established as a zone in which agricultural uses are encouraged as the principle uses of the land. The specific intent is to facilitate the proper use of lands best suited to agriculture to minimize the conflicts between urban and agricultural uses, to preserve and protect agricultural land from unnecessary encroachment by nonagricultural uses, and to prevent the premature termination of agricultural pursuits, to preserve open space, and to provide for the diversity of land uses in the City to specifically include the agricultural pursuits historically important to the cultural heritage of the City and its environs. This chapter is necessary to foster the preservation of farms and rural lifestyles through zoning, which is prohibited to unincorporated areas surrounding the City.

1174.02 PRINCIPAL USES PERMITTED.

In a General Agricultural District, no building or land shall be used and no building shall be created except for one or more of the following specified uses unless otherwise provided in this chapter:

(a) Agricultural buildings and uses provided:

- (1) Buildings used to house farm animals.
- (2) Livestock and poultry raising or breeding for consumption on the premises and for commercial purposes.
- (3) Production of crops, timber and pasturage.
- (4) Recycling of organic matter.
- (5) Roadside stands, which shall be limited to one sign advertising such products not exceeding twenty square feet, and which shall include a required minimum of two off-street parking places; all of which shall be located and set back so as not to create a traffic hazard.
- (6) Slaughtering of livestock and poultry, production of fertilizer, processing of animal skins and hides, and the reduction of animal matter, provided that the animals, skins, hides, and animal matter are either produced on the premises or the resulting product is employed as an end use on the premises.
- (7) One-family detached dwellings.
- (8) Publicly owned and operated parks, playgrounds and recreational facilities.
- (9) Conservation of natural resources including land, water and open space conservation and wildlife refuges.
- (10) Accessory buildings and uses customarily incident to any of the permitted uses.

1174.03 PRINCIPAL USES PERMITTED TO SPECIAL CONDITIONS.

No use which is not specifically set forth in section 1174.02 of this chapter shall be permitted.

Where an owner of premises in a General Agricultural District intends to use the premises in furtherance of agriculture beyond the uses specified in section 1174.02 the Massillon City Board of Zoning Appeals may grant a special approval to the owner of the premises pursuant to this section and section 1129.05 to permit one or more uses not specifically set forth in section 1174.02. Such approval must:

- (1) be for a specified period of years, or
- (2) be specifically restricted to run to the benefit of the owner of the premises, and
- (3) not be transferrable to a subsequent owner, and
- (4) not run with the land, and
- (5) be in furtherance of, incident to, or an extension of a permitted use.

1174.04 AREA AND BULK REQUIREMENTS

Minimum lot size shall be five acres.

Minimum frontage on a public street shall be one hundred feet.

Minimum width of any lot shall be one hundred feet.

There shall be no set back requirement on any agricultural use, including growing crops, standing timber or woodlot production, pasturage, holding fields fallow or in natural succession, or to permit the maximumization of agricultural production or conservation except that no building shall be nearer than fifteen feet to any lot boundary.

505.11 HUNTING PROHIBITED.

- (a) No person shall hunt or pursue game within the corporate limits except on premises zoned A-2 General Agricultural.
- (b) It shall be prima-facie evidence of hunting if a person is found within the corporate limits with any firearm, bow and arrow or other similar weapon, if such weapon is loaded or with the firing mechanism in closed position so that the weapon could be fired if loaded.
- (c) Whoever violates this section is guilty of a misdemeanor of the third degree.

549.10 DISCHARGING FIREARMS.

- (a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limit of the municipality except on premises zoned A-2 General Agricultural.
- (b) This section does not apply when firearms are used in self defense, in discharge of official duty or when otherwise legally authorized.
- (c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

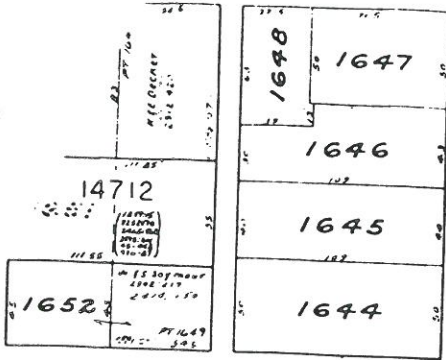
557.08 CUTTING AND DESTROYING WEEDS REQUIRED.

- (a) Prohibitions. No person, whether as owner, lessee, agent, tenant or any other person having charge or care of land in the City shall permit noxious weeds or other undesirable vegetation, grasses, etc., to grow thereupon to a height in excess of twelve inches, or to mature their seeds thereon, or to fail to cut and destroy such weeds and other undesirable vegetation when notified by the Director of Public Safety and service to do so. The prohibitions herein shall not apply on premises zoned agricultural.
- (b) - (f) [remain as currently enacted]

66

ANDREW

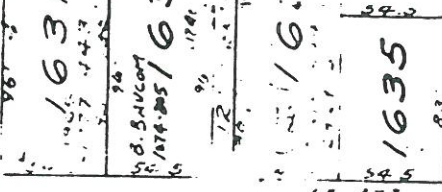
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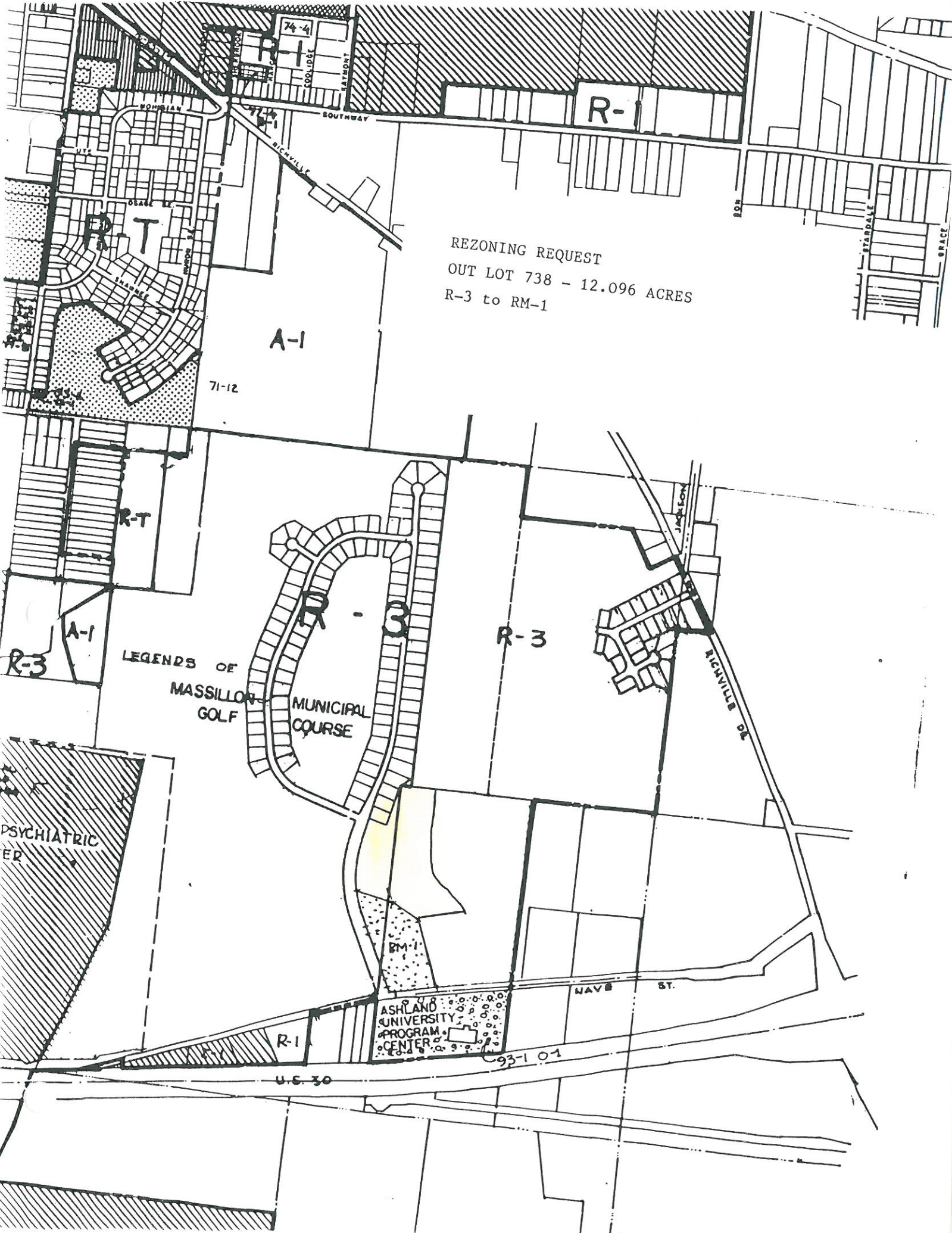


REZONING REQUEST
122-24-26 8th Street, N.E.
R-1 to B-1

ST.

322-24-26





REZONING REQUEST
OUT LOT 738 - 12.096 ACRES
R-3 to RM-1

LEGENDS OF
MASSILLON
GOLF
MUNICIPAL
COURSE

ASHLAND
UNIVERSITY
PROGRAM
CENTER

PSYCHIATRIC
HOSPITAL

U.S. 30

C93-1 01

NAVE ST.

RICHVILLE RD

R-1

A-1

71-12

R-T

R-3

A-1

R-3

R-3

R-1

RM-1

R-T

74-41

73-1001

74-1

74-1

74-1

74-1

74-1

74-1

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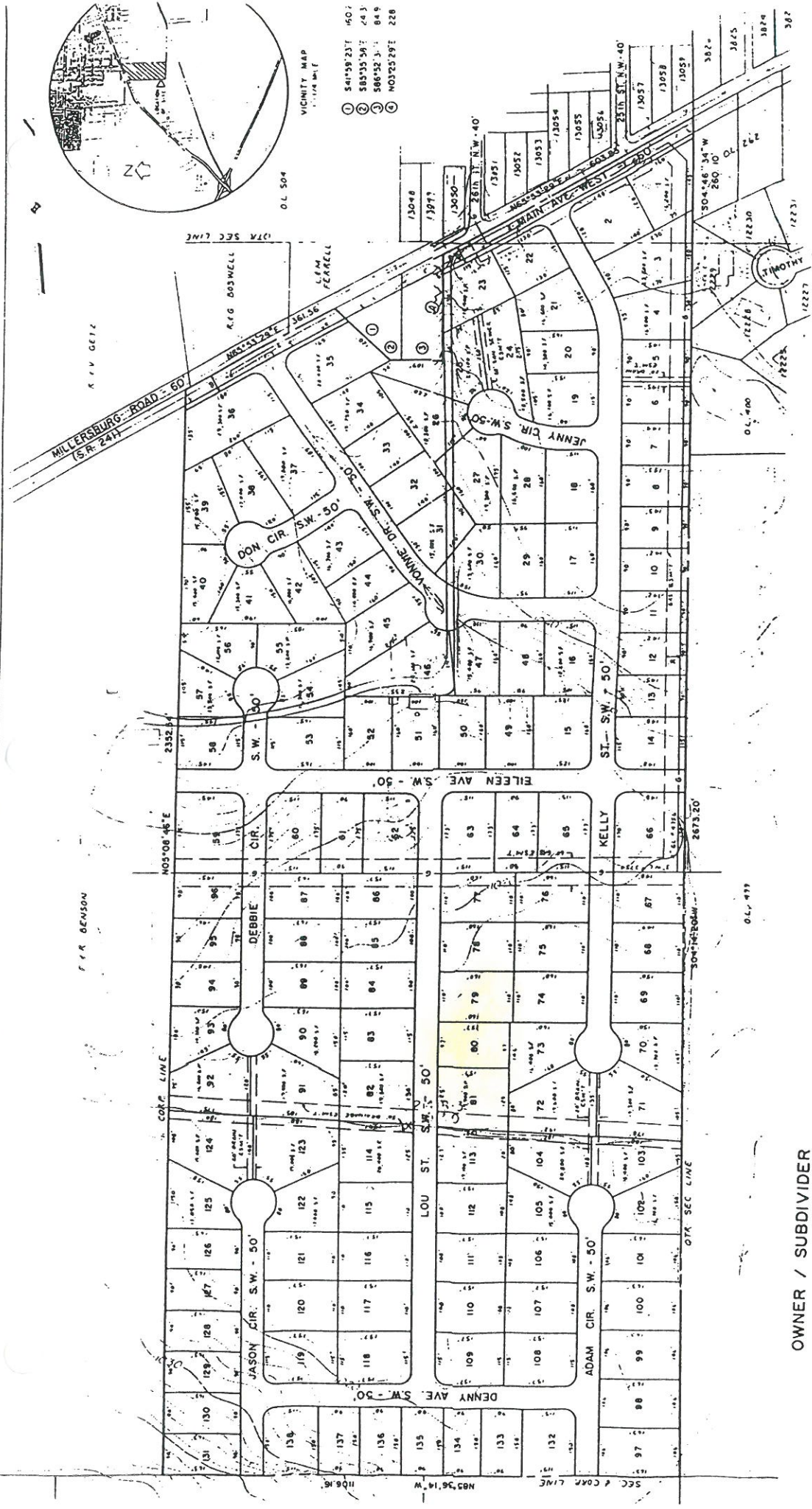
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74-1



ACREAGE : 65.1 ACRES
 MINIMUM LOT SIZE : 12,000 SQ. FT.
 SEWAGE DISPOSAL : SANITARY SEWER
 WATER SUPPLY : OHIO WATER SEWER
 DRAINAGE FACILITIES : STORM SEWER
 NUMBER OF PROPOSED LOTS : 138

PRELIMINARY PLAT (REVISION)
 OLD DUTCHMAN ESTATES

OUTLOT 602
 SITUATED IN THE CITY OF
 MASSILLON, COUNTY OF
 STARK AND STATE OF OHIO

ENGINEER / SURVEYOR
 HAMMONTREE & ASSOCIATES, LTD.
 5233 STONEHAM RD.
 NORTH CANTON, OHIO 44720
 PHONE (216) 499-8817

OWNER / SUBDIVIDER
 BOB BENSON

THE SUBJECT PROPERTY IS PRESENTLY
 ZONED R-3, ONE-FAMILY RESIDENTIAL.

BEARING BASIS:

CENTERLINE OF S.R. 241 BEARING
N 69°41'31" E FROM ODOT SURVEY
FOR NEW S.R. 241 RIGHT-OF-WAY,
SHEET 26 of 38, DATED 10/15/92.

SEE ODOT DWGS STA-241-4.22



REPLAT

part of

OUTLOT 286

OUTLOT 524

CITY of MASSILLON

STARK Co., OHIO

STATE of OHIO PARCEL 24ER
1332 - 187

S.R. 241 R/W VARIES
N 69°41'31" E 683.81'

FINEFROCK DRIVE S.W.
N 68°11'55" E
414.99'

D.L. 286
0.502 AC.

STATE of OHIO PARCEL 24WD
1332 - 144

N 69°41'31" E 100.00'
N 31°50'41" E 39.76'

OUTLOT LINE

S 89°01'51" E 321.61'

D.L. 524
4.514 AC.

OUTLOT # _____

5.016 AC.

P.O.B.
SE. COR.
D.L. 524
NE. COR.
D.L. 525

568.46'

N 89°05'02" W

D.L. 525

OUTLOT LINE

SURVEY PLAT

for

A. & T. EGGLESTON

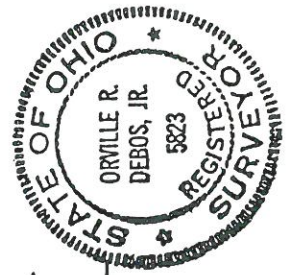
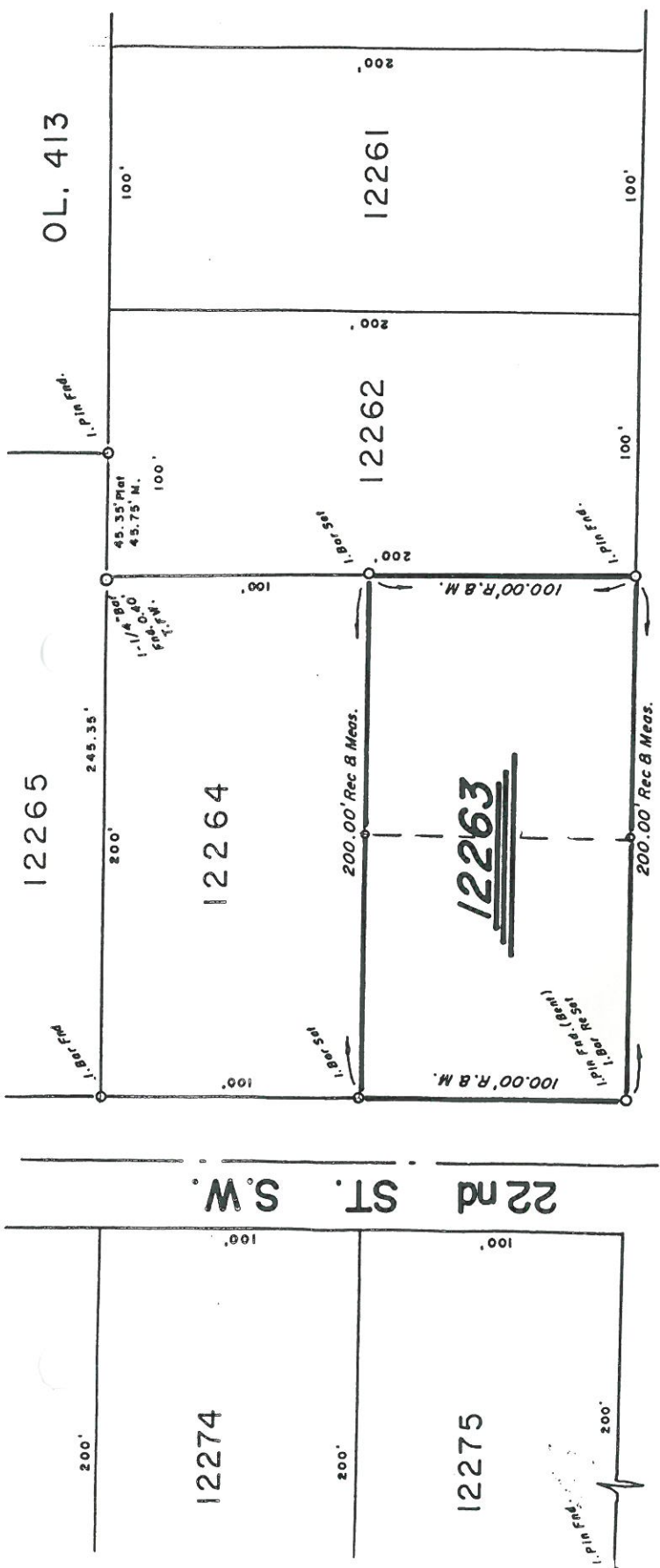
D.V. 2875 pg. 735

to

T. MARTIN

0'





CARLENE AVE. S.W. 50'

MAP OF SURVEY

Being Lot Number 12263 in the City of Massillon, County of Stark, State of Ohio.
Also being Lot # 18, of the Sunny Meadows Subdivision No. 1, recorded in Plat Book 30, page 113.

SCALE: 1" = 50'



DATE: JUNE 10, 1997

FOR: THORNE

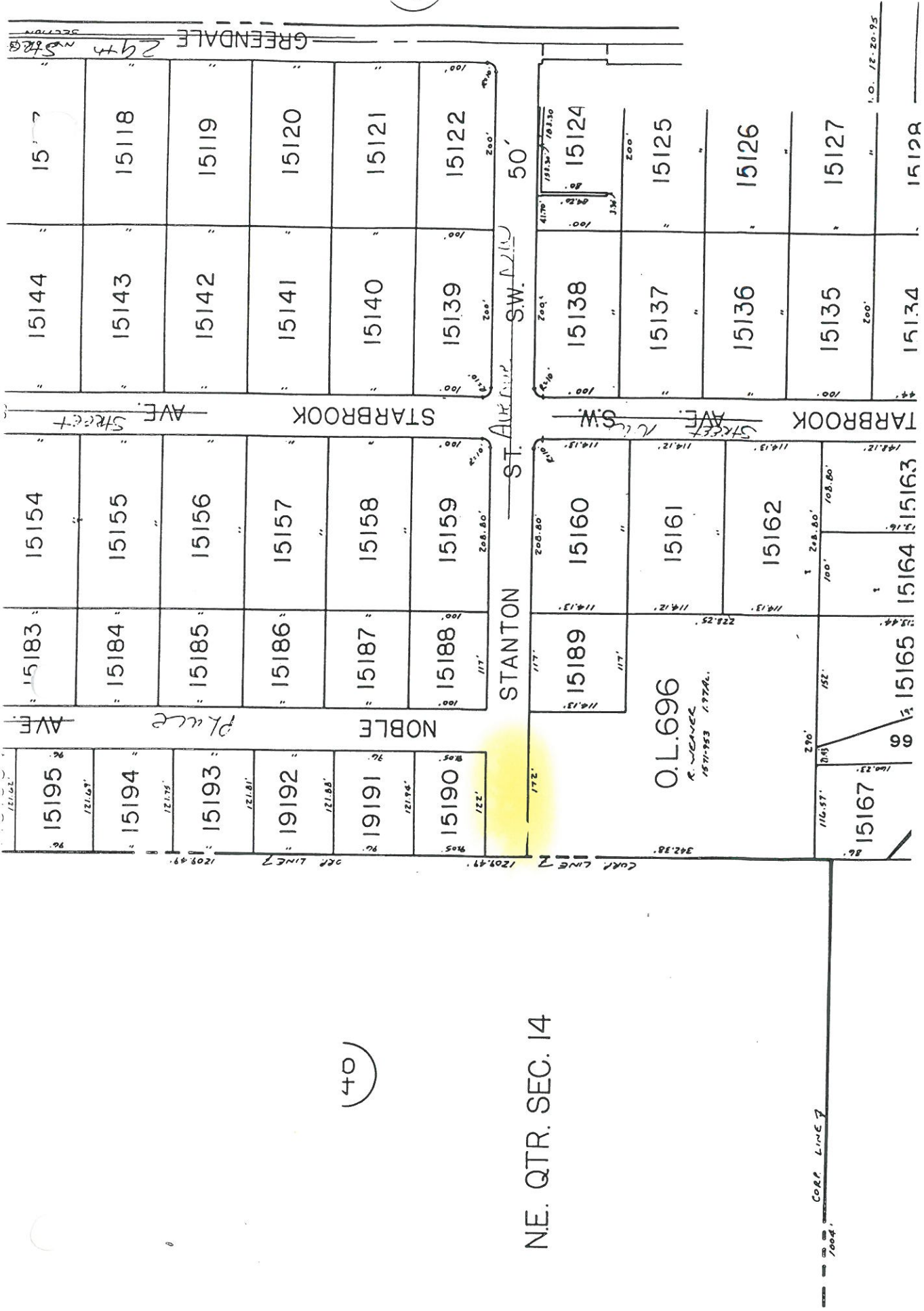
PROPOSED LOT SPLIT

LOT NO. 12263

Orville R. DeBos, Jr.
Orville R. DeBos, Jr.
Reg. Surveyor # 5823

(40)

NE. QTR. SEC. 14



PROPOSED STREET VACATION

STANTON AVENUE, N.W.