
A G E N D A
MASSILLON PLANNING COMMISSION
SEPTEMBER 10, 1997 **7:30 P.M.**
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of August 13, 1997.*

2. *Petitions and Requests*

Alley Vacation

Location: An unnamed 10 foot wide alley, between 19th Street, S.E., and 20th Street, S.E., and running in a north- south direction between Connecticut Avenue, S.E., and Rhode Island Avenue, S.E. The request is to vacate that portion of the alley from the south right-of-way line of Connecticut Avenue, S.E., southerly to the north right-of-way line of Rhode Island Avenue, S.E., a distance of approximately 240 feet. This request has been submitted by Larry and Glenna Herron.

3. *Old Business*

Rezoning Request

Location: 122-24-26 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, who wishes to construct a storage building for his vending machine on this property. This rezoning request was tabled at last month's meeting to obtain additional information from the applicant regarding the proposed use of the property.

Replat Proposal - Out Lots 240 and 241

Location: 554 and 560 29th Street, N.W. The request is to replat these two lots, each of which is presently 57 feet by 376 feet in size, by splitting off the rear half of Out Lot 240 and adding it to Out Lot 241. This request was denied at last month's Planning Commission meeting. However, Ben Rumbold, who owns both out lots, is asking for reconsideration of this request. He has submitted a petition signed by neighboring property owners supporting his request.

The Massillon Planning Commission met in regular session on August 13, 1997, at 7:30 P.M., in Massillon City Council Chambers. The following were present:

MEMBERS

Chairman Fred Wilson
Mayor Francis H. Cicchinelli, Jr.
Rev. David Dodson
Michael Loudiana
Wendell Edwards
Ben Bradley

STAFF

James Benekos
Aane Aaby
Marilyn Frazier
Kirk Albrecht

The first item of business was the minutes of the July 9, 1997, meeting. Mayor Francis Cicchinelli, Jr. moved for approval, seconded by Ben Bradley, motion carried.

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

Location: Aultman Area Annexation, known as Out Lot 749, 1.850 acres located on the west side of Wales Road, N.E., north of Burd Avenue, N.E. The Aultman Hospital Western Stark Medical Clinic is located on this property. Now that this property has been annexed to the City from Jackson Township, it must be given a zoning district classification under the City Zoning Code. The City is requesting that this property be zoned O-2 Office.

Aane Aaby made the presentation. This newly annexed area was recently accepted by City Council. The clinic is near completion. In line with the development, the proposal is for O-2 Office zoning. The proposal is being amended to provide R-3 Single Family Zoning to a small rear portion to be in line with this development and the other land use in the area. Rev. Dodson moved to recommend the rezoning, seconded by Wendell Edwards, but said the request should be amended to include R-3 section. Rev. Dodson then amended his motion to include R-3 for the rear portion. Under questions, Frank Sauser, 2031 Darby Drive, N.W., spoke against the rezoning. Aane responded to some of Mr. Sauser's comments by explaining that the zoning classification being proposed by the City is more restrictive than the township classifications. Wendell Edwards commented that the permits were issued by the County and Jackson Township prior to the annexation, therefore, the City is only accepting the building and classifying it under its present use. Elaine Ristev, 2101 Darby Drive, N.W., was present and asked some zoning related questions which should have been directed to Jackson Township or Stark County officials. The Commission voted on amending the request and then, the motion, both carried unanimously.

The next item was a rezoning request.

Location: Out Lots 464, 465, 466, and Parts of Out Lots 315 and 316, a 13.124 acre parcel of land located on the west side of Jackson Street, S.E., south of Harsh Avenue, S.E. The request is to rezone this property from I-1 Light Industrial to A-1 Agricultural. This request has been submitted by Ralph Cornell, who wishes to utilize this property to construct a single family home and grow evergreen trees.

Aane Aaby presented the request. He commented that the Commission had recommended approval for a similar request in an area close to this one several months ago. Mr. Cornell was present and spoke briefly. Mayor Cicchinelli moved to recommend approval, seconded by Wendell Edwards, motion carried.

The next item was a Street Vacation.

Location: A portion of Oberlin Avenue, S.W., a 60 foot wide right-of-way, lying west of Cleveland Street, S.W., and running in an east-west direction. The request is to vacate that portion of Oberlin Avenue, S.W., from the west right-of-way line(extended) of Cleveland Street, S.W., westerly to the east property line of Out Lot 666, a distance of approximately 499.01 feet. This request has been submitted by Republic Engineered Steels, Inc.

Aane Aaby presented the request. This is where Cleveland Avenue dead ends into what was Oberlin Road at the old humpback bridge prior to the construction of new State Route (SR) 241. Since SR 241 was constructed, this street is no longer needed. Rev. Dodson moved for approval, seconded by Michael Loudiana, motion carried.

The next item was a Replat Proposal.

Location: 554 and 560 - 29th Street, N.W. The request is to replat these two lots, each of which is presently 57 feet by 376 feet in size, by splitting off the rear half of Out Lot 240 and adding it to Out Lot 241. This request has been submitted by Ben Rumbold, who owns both out lots.

Aane Aaby presented the request. He stated that Mr. Rumbold wanted to know how the Commission would feel about the proposal before incurring the expense associated with the process. He owns both properties and wants to sell 554 Lincoln Way West, minus part of the land. Mayor Cicchinelli said since he couldn't support creating smaller lots, he would recommend denial, seconded by Ben Bradley, motion carried.

The next item was a Request for Approval of Permitted Use Subject to Special Conditions.

Location: A 6.074 acre parcel, part of Out Lot 498, located on 22nd Street, S.W., south of Margilee Drive, S.W. The Abundant Life Christian Fellowship, 303 Eighth Street, S.W., would like to utilize this property as a picnic/recreational area, including the construction of a pavilion. The parcel in question is zoned R-3 Single Family Residential. Private non-commercial recreation areas are permitted in single family districts subject to review and approval by the Planning Commission.

Aane Aaby presented the request. The Church owns this property and eventually plans to build on the site. At this time they are using the property for recreational purposes. Since they want to construct a pavilion, the approval is necessary. Ron Kerzon, a representative of the Church, was present and stated that they have been holding Bible camps and other programs on the site. They have been renting tents, but would like something permanent. Wendell Edwards moved for approval, seconded by Rev. Dodson, motion carried.

The next item under Old Business was a Preliminary Plat

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. This item was tabled at last month's Commission Meeting until questions could be answered regarding the maintenance of the common space/maintenance area. Aane Aaby announced that the developer requested this item be withdrawn from this month's agenda, Rev. Dodson moved to withdraw the item, seconded by Ben Bradley, motion carried.

The next item was also under Old Business.

zoning Request

Location: 122-24-26 Eighth 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, who wishes to construct a storage building for his vending machine on this property. This rezoning request was tabled at last month's meeting to obtain clarification from the Law Department on the proper zoning classification for the proposed use.

Aane Aaby commented that the Law Director had ruled that B-1 is the proper zoning classification. John Wolanin, representing the owner, was present and commented that while circulating the petition he found no opposition. He has 66% of the signatures and the ones he doesn't have are rentals. Mayor Cicchinelli said he and Mr. Benekos had met with Mr. Alexander after the last meeting. Mr. Alexander was to provide a site plan. None was provided. Rev. Dodson moved to table the request until submission of the plan, seconded by Wendell Edwards, motion carried.

The final item for the evening was a Proposed Zoning Code Amendment

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. This item was originally reviewed at the June Planning Commission Meeting. Copies of the proposed amendment, with revisions, will be sent to Commission members, by separate cover.

Mr. Albrecht presented this request. He distributed the proposed amendment, a copy of which is attached and a part of these minutes. He commented that concerns of this body and of Police Chief Weldon had been addressed in the revision. Mr. Albrecht then reviewed the proposal. Chief Weldon added that he was in support of the concept and his concerns had been met, therefore, he had no objections. After a brief discussion, Wendell Edwards moved for approval, seconded by Rev. Dodson, motion carried.

There being no further business before the Commission, the meeting adjourned at 9:10 P.M.

Respectfully submitted,


Marilyn E. Frazier, Commission Clerk

Approval:

ky

attachment

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 principal 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 ten 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.

INITIAL LIST OF POTENTIALLY AFFECTED MASSILLON ORDINANCES

505.08	NUISANCE CONDITIONS PROHIBITED
505.11	HUNTING PROHIBITED
505.14	KEEPING CERTAIN ANIMALS PROHIBITED
549.10	DISCHARGING FIREARMS
549.11	THROWING OR SHOOTING MISSILES
557.08	CUTTING AND DESTROYING WEEDS REQUIRED
1511.01-.99	OPEN BURNING

Concerns to be addressed:

1. Any allowance of hunting and trapping be restricted to a manner that reflects a due regard for the safety of the persons and property of others, be restricted to owners, residents and agent thereof of the agriculturally zoned lands, and that the hunting and trapping be directly in pursuit of or in pursuit of agricultural purposes.
2. Revise open burning laws to reflect changes in State law.
3. Revise dangerous animal ordinance to add and delete certain animals and eliminate setback requirements on agriculturally zoned lands.
4. Revise nuisance prohibitions to reflect agricultural uses and State regulation of agriculture.

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4. Revise nuisance prohibitions to reflect agricultural uses and State regulation of agriculture.

PETITION TO VACATE ALLEY

Date: 5/20/97

Honorable City Council, Massillon, Ohio

Gentlepersons:

We, the undersigned, owners of those lots abutting **10' Public Alley** lying between **Connecticut Avenue, S.E.** and **Rhode Island Avenue, S.E.** and running in a west/east direction between **19th Street, S.E.** and **20th Street, S.E.** do hereby petition your honorable body to vacate that portion between **Connecticut Avenue, S.E.** and **Rhode Island Avenue, S.E.**

A fee of **\$75.00**, payable upon returning the signed petition, is charged for this service; it covers the cost of engineering, advertising and recording involved in the completion of this petition.

Owners	Signature	Lot No.(s)
Joe Jr. & Edna B. Jones	<u>Joe Jones Jr.</u> <u>Edna B Jones</u>	6468
Joe Jr. & Edna B. Jones	<u>Joe Jones Jr.</u> <u>Edna B Jones</u>	6469
Joe Jr. & Edna B. Jones	<u>Joe Jones Jr.</u> <u>Edna B Jones</u>	6470
Joe Jr. & Edna B. Jones	<u>Joe Jones Jr.</u> <u>Edna B Jones</u>	6525
Joe Jr. & Edna B. Jones	<u>Joe Jones Jr.</u> <u>Edna B Jones</u>	6524
Joe Jr. & Edna B. Jones	<u>Joe Jones Jr.</u> <u>Edna B Jones</u>	6523
Larry M. & Glenna J. Herron	<u>Larry M Herron</u> <u>Glenna J. Herron</u>	6467
Larry M. & Glenna J. Herron	<u>Larry M Herron</u> <u>Glenna J. Herron</u>	6522

Glenna J. Herron
Author of Petition



ALLEY VACATION REQUEST

CONNECTICUT S.E.

6472
6471
6526
6527
6528

6468
6469
6470
6525
6524
6523

6467	6466	6465	6464	6463	6462	6461	6460	6459	6458
6522	6521	6520	6519	6518	6517	6516	6515	6514	6513
6511	6512	6513	6514	6515	6516	6517	6518	6519	6520

RHODE ISLAND AVE.

4834

6558
6559
6560
6597
6596
6595

6557	6556	6555	6554	6553	6552	6551	6550	6549	6548
6594	6593	6592	6591	6590	6589	6588	6587	6586	6585

6547
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20TH S.E.

S.E.

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6395

60

S.E.

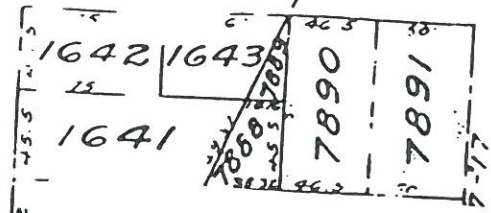
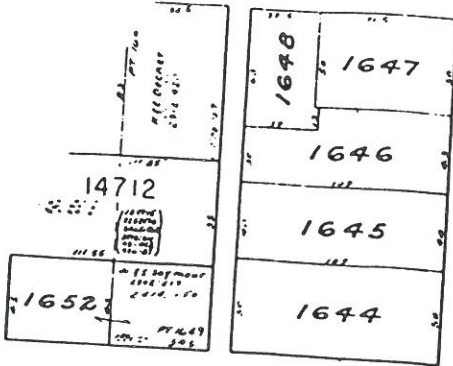
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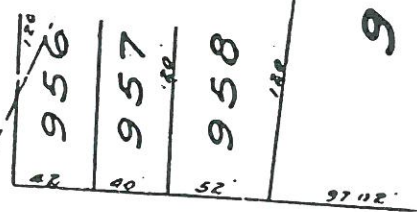
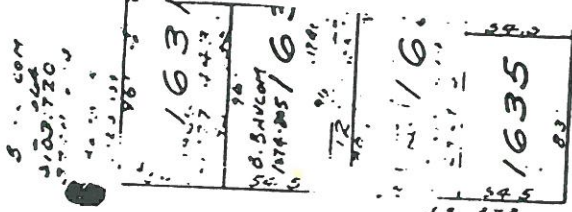
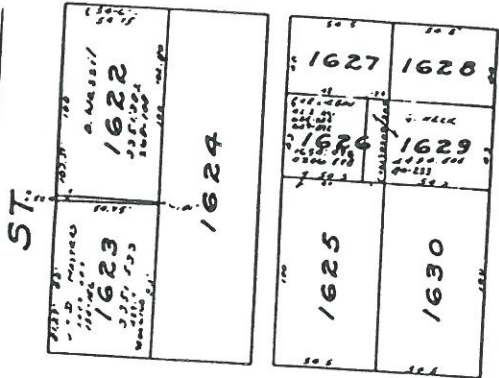
ANDREW

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194



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

ST.

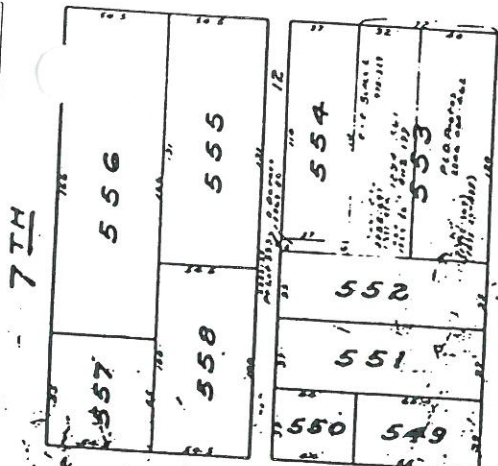


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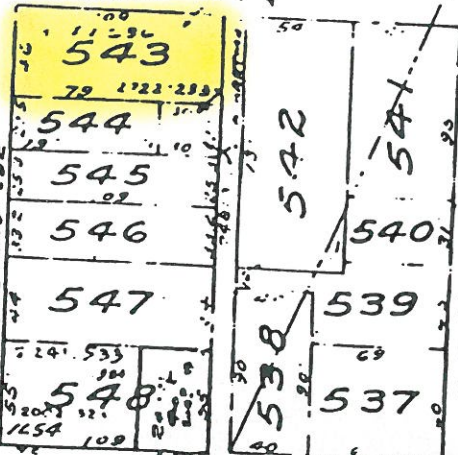
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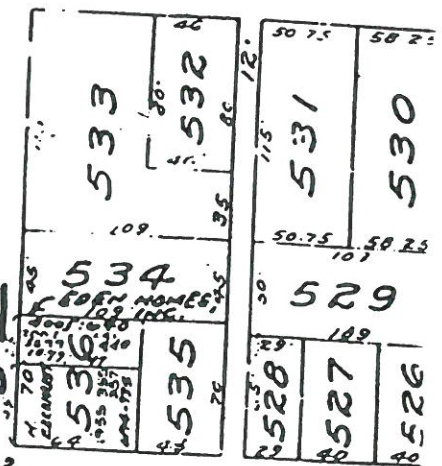
NORTH



8 TH



9 TH

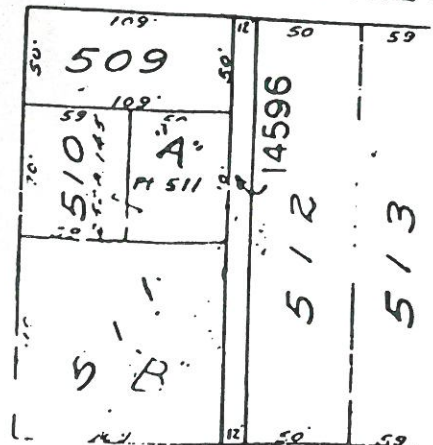
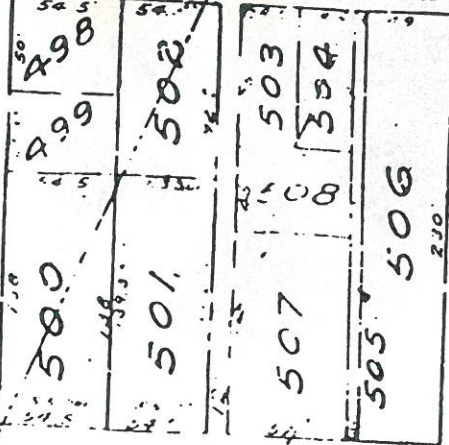


FEDERAL

AVE.

FEDERAL AVE.

N.E.



LINCOLN

Ben and Sue Rumbold, of 560 - 29th St., N.W.,
Massillon are petitioning to have property currently
owned by them sub-divided. The properties in
consideration are currently known as O.L. 241 and
O.L. 240. to be divided as indicated on the map.
We, the undersigned neighbors, agree to this being
done.

Homeowners

574 29th NW Rinder 1000, 1001 & part of O.L. 242

Olaf Rinder

580 29th NW Hammer 999

Eugene Hammer

604 29th NW Hall 998

- Out of town -

550 29th NW Eversole O.L. 239

Shirley Eversole

537 29th NW Riffle O.L. 238

Phyllis Riffle

Duke O.L. 237

Not living at his residence

West side of 29th Street

561 29th NW Scheetz

Earl Scheetz

571 29th NW Tully

Tam & Florence Tully

575 29th NW Graber

Jeffery L. Graber

583 29th NW Rose

William Rose

553 29th NW Mercurio

Rosa Mercurio

557 29th NW Smith

Annette Smith

543 29th NW J. Lewis

Angela Lewis

539 29th NW Sirgo

Mark Sirgo

Prospective buyer of 554 - 29th St., O.L. 240

Doug Scheetz

Douglas M. Scheetz

The map shows a grid of streets and lots. The vertical streets are labeled 29th St. N.W. and 29th St. S.W. The horizontal streets are labeled S.W. 29th St. and S.W. 29th St. The lots are numbered 991 through 1001, and O.L. 236 through O.L. 241. The map includes various annotations such as "B. RUMBOLD, ET AL", "O.L. 241", "O.L. 240", "O.L. 239", "O.L. 238", "O.L. 237", "O.L. 236", "R. EVERSOLE", "C. MAGNUSKI", "R. A. LEHNER", "BEN RUMBOLD", "560 29th St. N.W.", "832-8865", "554 29th St. N.W.", "1001", "1000", "999", "998", "997", "996", "995", "994", "993", "992", "991", "10262", "10263", "10264", "10265", "10266", "10267", "10268", "10269", "10270", "10271", "10272", "10273", "10274", "10275", "10276", "10277", "10278", "10279", "10280", "10281", "10282", "10283", "10284", "10285", "10286", "10287", "10288", "10289", "10290", "10291", "10292", "10293", "10294", "10295", "10296", "10297", "10298", "10299", "10300".

Q.

BEN RUMBOLD
560 29th ST. N.W.
← 832-8865

← 554 29th ST. N.W.

5.24