

A G E N D A
MASSILLON PLANNING COMMISSION
MAY 12, 1999 **7:30 P.M.**
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of April 14, 1999.*
2. *Petitions and Requests*

Rezoning Request - Cherry Road, N.W.

Location: Two separate vacant tracts of land, both Part of Out Lot 91 and located on the west side of Cherry Road, N.W, across from Cable Court, N.W. Tract "A" is a 0.92 acre parcel presently zoned R-1 Single Family Residential. Tract "B" is a 1.47 acre parcel presently zoned R-2 Single Family Residential. The request is to rezone both parcels to R-T Two Family Residential. This request has been submitted by Tim Boger who wishes to develop these properties with duplex housing.

Final Plat - University Village Phase 3

Location: Part of Out Lot 557, a 13.624 acre parcel located on the north side of Nave Road, S.E., between University Drive, S.E., and Richville Drive, S.E. This plat will create a total of 33 lots as follows:

12 lots zoned R-1 One Family Residential
21 lots zoned R-T Two Family Residential

This plat also included the dedication of the following streets:

Ohio State Drive, S.E.; Wright State, S.E.; Rio Grand Circle, S.E.; and portions of Bowling Green Drive, S.E.; and Urbana Avenue, S.E.

The property owner/developer is P.R.M.D.C. LTD. The project engineer is Cooper & Associates.

Replat - Lot No. 9998 and Part of Out Lot 153

Location: Advanced Industrial Roofing, 1330 Erie Street South. The company is in the process of acquiring a 0.35 acre parcel at the rear of their property. The replat will combine three separate parcels, including the property being acquired, into one new lot. This request has been submitted by James Horner.

Replat - Lot No. 3661 and Part of 3659

Location: 178 Wall Place, S.E., on the south side of Massachusetts Avenue, S.E., east of York Elementary School. The request is to replat these two existing lots into one new lot, which will be approximately 0.5 acres in size. The property in question is presently zoned R-1 Single Family Residential. The property owners are Carl and Judy Murphy. The surveyor is Orville DeBos.

Replat - Lot 4392, 4394 and Part of Lots 4393

Location: The properties in question are located at 2635 Schuler Avenue, N.W. (Lot No., 4392 and Parts of 4393) and 376 27th Street, N.W. (Lot No. 4394). The request is split off the rear portion of Lot No. 4394 and add it to the Schuler Avenue property. The replat will create two new lots each zoned R-2 One Family Residential. The property owners are Jerry Church (2635 Schuler Avenue) and Robert Princehorn (376 27th Street).

Replat - Out Lots 775 and 776

Location: The west side of 32nd Street, N.W., south of Ruby Avenue, N.W. The request is to replat these two existing lots into two new lots, one of which will be 1.524 acres in size (formerly 1.196 acres), and the other to be 1.054 acres in size (formerly 1.382 acres). The properties in question are presently zoned R-2 Single Family Residential. The property owner is James R. Hamel II. The surveyor is Deibel Surveying.

3. *Other Business*

Proposed Amendment to the Zoning Code - Private Swimming Pools

Section 1153.03(h) of the Zoning Code, "Principal Uses Permitted Subject to Special Conditions" (Private Swimming Pools) shall be transferred from Chapter 1153 "R-1 Through R-4 One Family Residential Districts" and added to Chapter 1187 "Supplemental Zoning Regulations". The effect of this amendment will be to provide for review and approval of private swimming pool plans by the City Building Department rather than by the Planning Commission.

The Massillon Planning Commission met in regular session on April 14, 1999, at 7:30 P.M., in Massillon Council Chambers. The following were present:

Members

Chairman Fred Wilson
Vice Chairman Rev. David Dodson
Mayor Francis H. Cicchinelli, Jr.
Ron Pribich
Sheila Lloyd
James Johnson
Paul Manson

Staff

Aane Aaby
Marilyn Frazier
James Benekos

The first item of business was approval of the minutes for the Commission meeting of March 10, 1999. Rev. Dodson moved for approval, seconded by James Johnson, motion carried.

The next item under Petitions and Requests was a rezoning request.

Rezoning Request – Lots 6154, 6155, and 6156

Location: 1615 Tremont S.E., Lots 6154, 6155, and 6156. Presently zoned R-1 Single Family Residential, the request is to rezone this property to B-3 General Business. Gary Holderbaum of Holderbaum Sewer and Drain has submitted this request for the purpose of allowing the expansion of the business located on this property.

Mr. Aaby presented the request. The property is on Tremont S.E., near Hess Blvd. Presently, the business is operating as a legal non-conforming use in a Single Family Residential District. Since the owners would like to expand the business, it is necessary to rezone the property. The petition contains signatures of a majority of the adjacent property owners. Rev. Dodson asked if the alley near this site was open or closed. Mr. Aaby responded doesn't appear that it is being used. Mayor Cicchinelli commented that in the past, the Commission had decided that if an applicant wasn't present to answer questions concerning a request, it would be tabled. Rev. Dodson commented that even though we had discussed this, a firm policy hasn't been adopted and strictly enforced. After a brief discussion, Rev. Dodson moved to approve the request and also approve a policy which will require a representative to be present in order for the Commission to act on a request, Mayor Cicchinelli seconded motion which was carried unanimously.

The next item was also a rezoning request. Prior to the introduction of this request, Mayor Cicchinelli requested to be excused from the meeting due to the fact that he lives in the area of the proposed request.

Rezoning Request – Out Lots 707-708

Location: Out Lots 707 and 708, an 87.83 acre parcel located on the south side of Richville Road, S.E., north of the Legends of Massillon golf course. Presently zoned A-1 Agricultural, the request is to rezone this property to RM-1 Multiple Family Residential for the purpose of constructing an owner occupied condominium housing development. The property owner is Bonk's Properties.

This property is on the south side of Richville Drive, S.E., north of the Legends Golf Course. The plans are to expand the golf course around the perimeter and a developer will build condominiums in the center. Vince Rakestraw was present representing Links Development, a company that develops housing in the area of golf courses. The condominiums will be in the \$150,000 range. After a brief discussion regarding the appropriate zoning for the golf course, Jim Johnson moved to rezone Out Lots 707 and 708, with the following exception: excluding that portion of this property located within a distance of 200 feet, more or less from the outer perimeter property line of said Out Lots. Said property is located on the south of Richville Road, S.E., north of The Legends of Massillon Golf Course.

Seconded by Rev. Dodson, motion carried. Ron Pribich abstained.

The next item was also a rezoning request.

Rezoning Request – Sippo Valley Trail Section A

Location: Out Lots 798 – 804, a 27.492 acre area located along former railroad right-of-way running north of Lincoln Way between 17th Street, N.W., and Manchester Road. Now that this property has been annexed to the City from Tuscarawas Township, the City is requesting that it be zoned R-1 Single Family Residential.

Mr. Aaby presented this request. Mayor Cicchinelli moved for approval, seconded by Rev. Dodson, motion carried.

The next item was a preliminary plat.

Preliminary Plat – West Brook Estates

Location: Out Lots 636 and 782, a 93.8992 acre parcel located on the north side of Lincoln Way N.W., between Kenyon Avenue and Manchester Road, N.W. This preliminary plat proposes the creation of 263 lots, zoned R-2 Single Family Residential. The property owner/developer is A. R. Lockhart Development Company.

Mr. Aaby presented the request. Mayor Cicchinelli commented on the increasing number of single family housing allotments in the city. Mr. Johnson moved for approval, Ms. Lloyd seconded, motion carried unanimously.

The next item was also a preliminary plat.

Preliminary Plat – NEOCOM I Industrial Park

Location: Out Lots 765 and 569, a 381 acre parcel of land located on the north side of Navarre Road, S.E., east of SR 21. This preliminary plat proposes the creation of 33 lots zoned I-2 General Industrial. Typical lot sizes will be 10+ acres. The property owners are Miller Land Development Limited and the Massillon Development Foundation. The project engineer is Hammontree & Associates.

Mr. Aaby presented the request. This request consists of the final plat for the 1st phase, which is the final dedication of Millenium Blvd. and Prospect Street and preliminary plat of the NEOCOM I - I Site. This site had been considered last year as the site for a mini mill. The industrial park is progressing well. Rev. Dodson moved to approve the preliminary of the entire NEOCOM I site and the final plat of the NEOCOM I - I, Mr. Manson seconded, the motion carried unanimously.

The next item was a replat.

Replat – Lots No. 5323, 5324, 11731, and 11732

Location: the north side of Woodland Avenue, S.E., between 13th and 14th Streets, S.E. The request is to replat these four existing vacant lots into two new lots, each new lot to have 56 feet of frontage. The property is presently zoned R-1 Single Family Residential. This request has been submitted by Michael L. Harris.

Mr. Aaby presented the request. Mr. Harris, who was present, has acquired these properties and would like to build two single family homes on the site. Mr. Harris is a local contractor. Mayor Cicchinelli moved to approve, Mr. Pribich seconded, motion carried.

The next item was also a replat.

Replat – Lots No. 6376, 6377, and 6378

Location: the south side of Massachusetts Avenue, S.E., east of 16th Street, S.E. The request is to replat these three existing lots into one new lot, which will be 0.320 acres in size. The property in question is presently zoned R-1 Single Family Residential. The property owners are Richard and Barbara Sanatore. The surveyor is Richard Carpenter of Accurate Technologies.

Mr. Aaby explained that the Sanatores wish to create one lot and build a house on it. Mrs. Sanatore was present. Mayor Cicchinelli moved for approval, seconded by Ms. Lloyd, motion carried.

The final item was another replat.

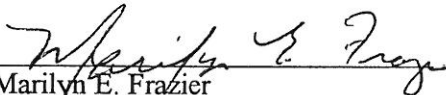
Replat – Lot 3685

Location: 174 – 26th Street, S. E. The request is to replat this existing lot into two new lots of equal size to allow for the future construction of a new home on 27th Street, S. E. The property in question is presently zoned R-1 Family Residential. The property owners are Rick Chovan and Judith Hodgson.

Mr. Aaby presented this request. The owners were not present. Mr. Johnson moved for approval, seconded by Rev. Dodson, motion carried.

There being no further business before the Commission, the meeting adjourned at 8:30 P.M.

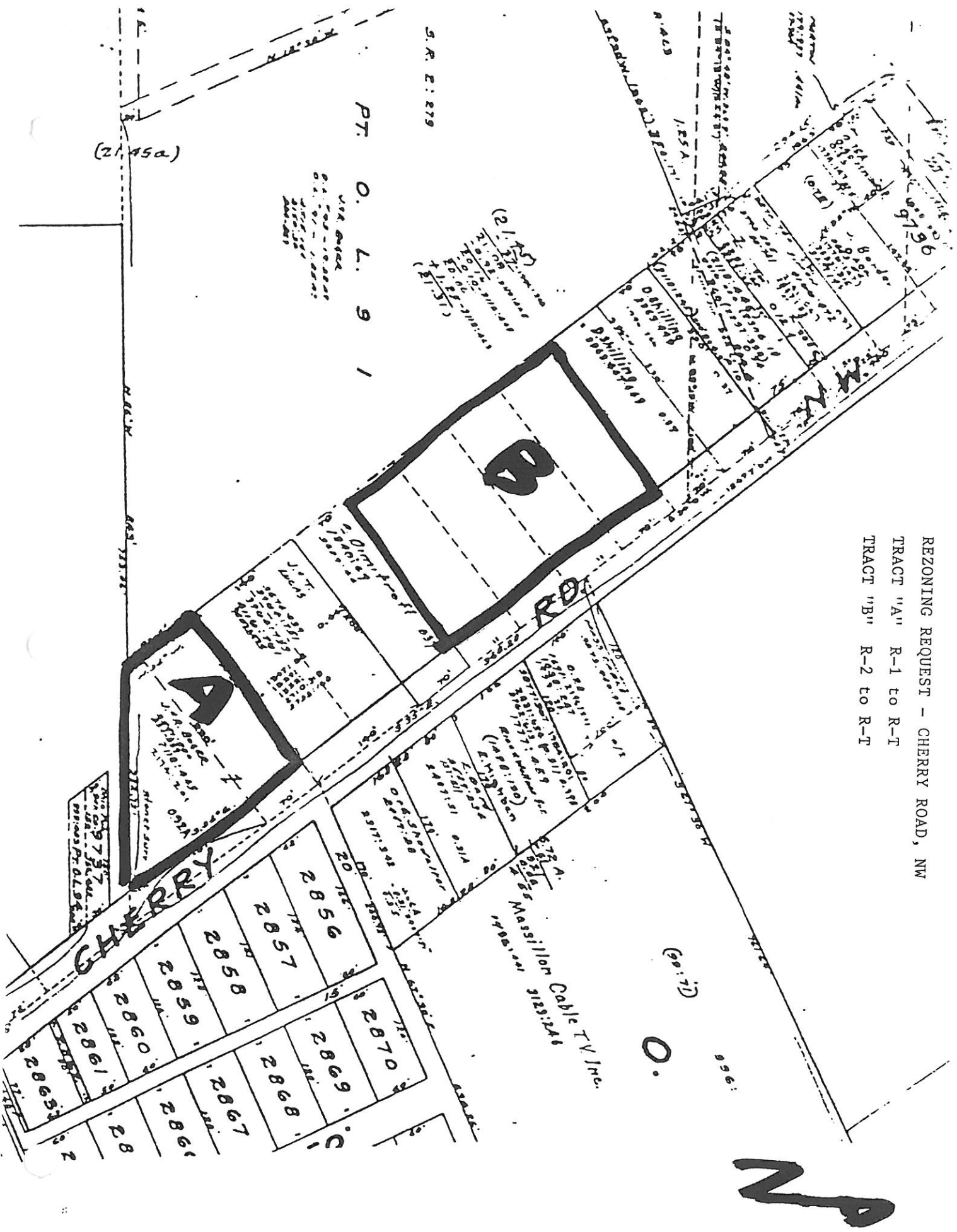
Respectfully submitted,


Marilyn E. Frazier
Commission Clerk

Approval:

MEF/ky

REZONING REQUEST - CHERRY ROAD, NW
 TRACT "A" R-1 to R-T
 TRACT "B" R-2 to R-T



P.R.M.D.C. LTD.
O.L. 557
R.I. No.97068027

P.R.M.D.C. LTD.
O.L. 557
R.I. No.97068027

RECORD PLAT

UNIVERSITY VILLAGE PHASE 3

LOCATED IN PART OF O.L. 557 IN THE CITY OF MASSILLON
STARK COUNTY, OHIO

- OWNER/DEVELOPER -
P.R.M.O.C. LTD., A LIMITED PARTNERSHIP
C/O FRED TOBIN
7694 STRAUSSER ST. N.W.
NORTH CANTON, OHIO 44720
PHONE 330-497-9744

VICINIT, MAP

NOT TO SCALE

O.L. 708
BONKS PROPERTIES INC.
RI No. 97049236
30.89 AC.

D. & A. SHETLER TRUSTEES
OR 1762-225
11.03 AC.

HARVEY H. & LAURA J. ZIMMERMAN
OR 1765-876
10.0 AC.

P.R.M.D.C. LTD.
O.L. 557
R.I. No. 97068027

ETHEL WHEELER
DV 4210 PG 703
0.746 AC.

DAVID RAPOVY
0.80 AC.

J. & R. BRAID
D.V. 3753 PG. 93
1.67 AC.

O.L. 767
D & D WHIPKEY
RI No. 97006233
127.112 AC.

A=191.67'
R=5729.58'
D=01°55'00"
B=S26°58'48"E
C=191.66'
T=95.84'

P.R.M.D.C. LTD.
O.L. 766
R.I. No. 97068026

P.R.M.D.C. LTD.
O.L. 557
R.I. No. 97068027

O.L. 768
FILTERS INC.
RI No. 97006237
5.008 AC.

O.L. 771
OHIO EDISON CO.
DV 2088 PG 429
0.76 AC.

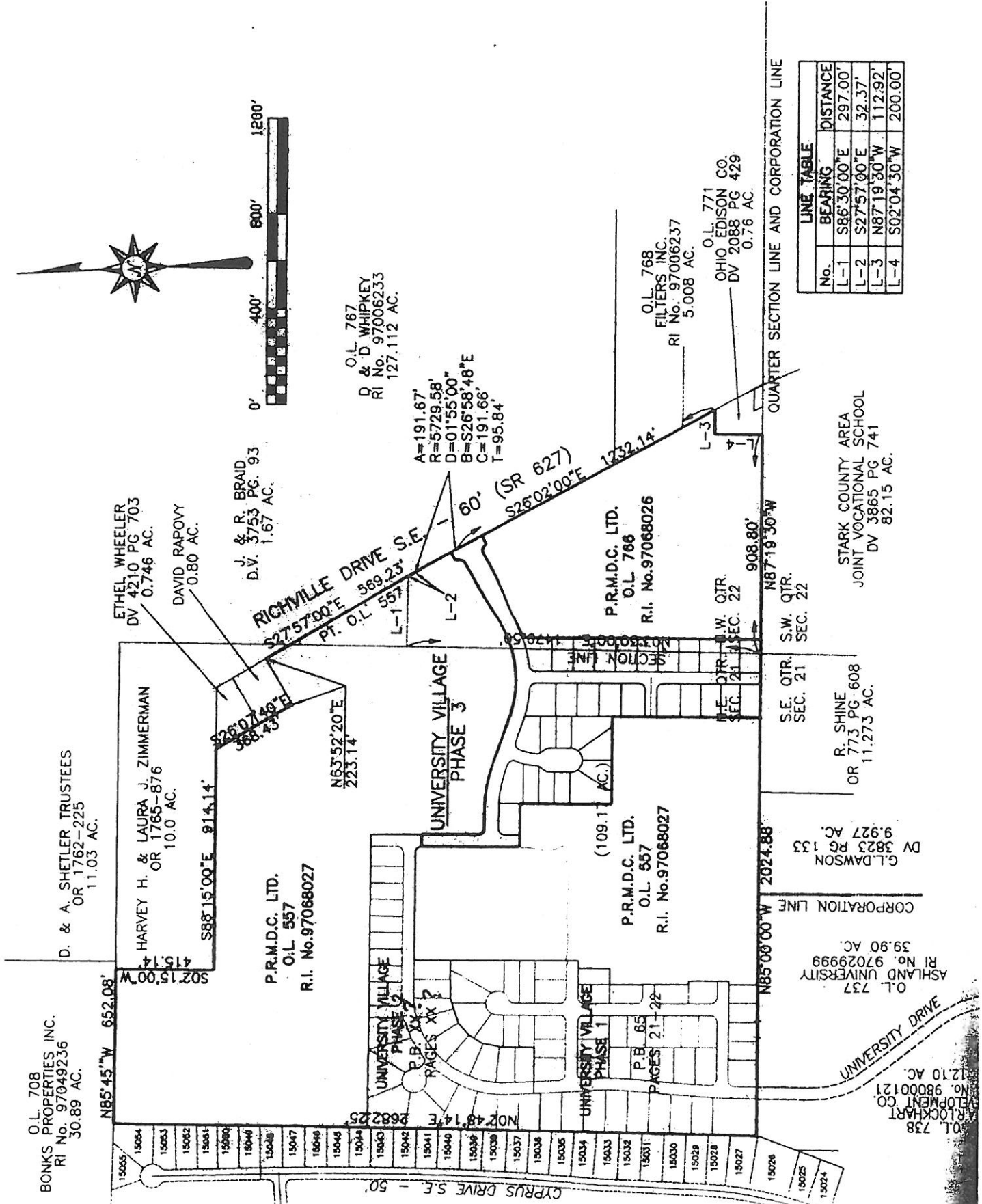
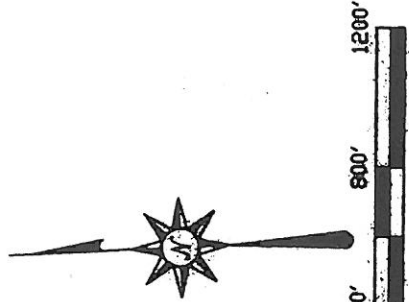
R. SHINE
OR 775 PG 608
11.273 AC.

O.L. 737
ASHLAND UNIVERSITY
RI No. 97029999
39.90 AC.

G.L. DAWSON
DV 3823 PG 133
9.927 AC.

STARK COUNTY AREA
JOINT VOCATIONAL SCHOOL
DV 3865 PG 741
82.15 AC.

No.	BEARING	DISTANCE
L-1	S86°30'00"E	297.00'
L-2	S27°57'00"E	32.37'
L-3	N87°19'30"W	112.92'
L-4	S02°04'30"W	200.00'



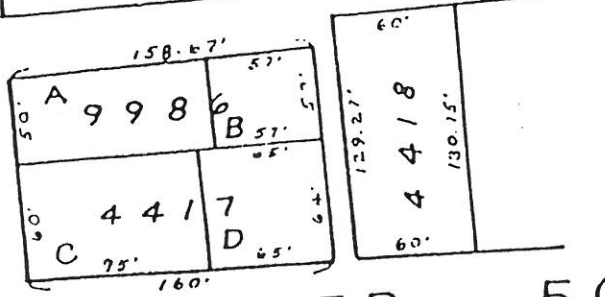
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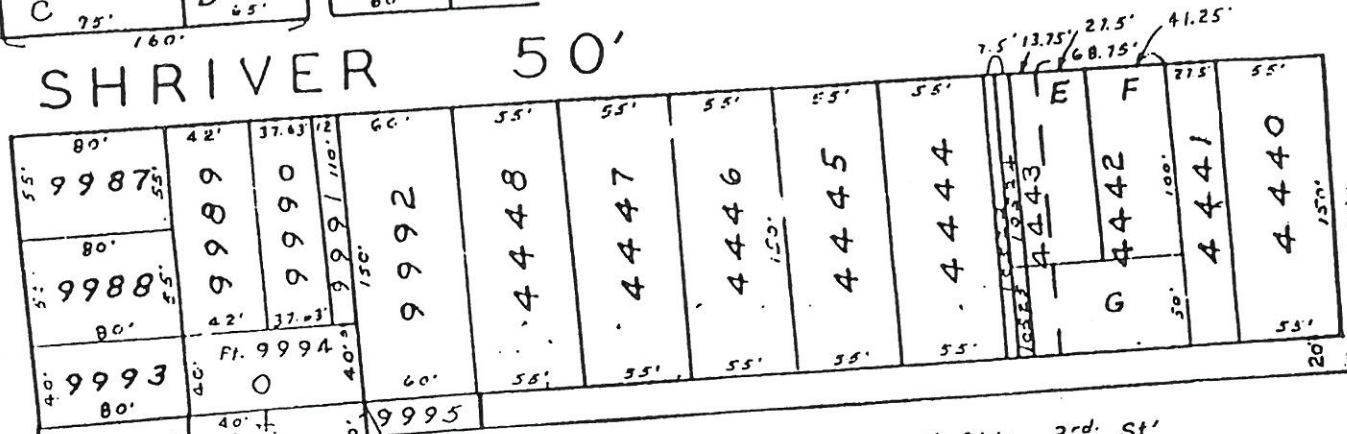
ERIE

STATE
2319:201

ST. SOUTH



SHRIVER 50'



985.57' to E. Side 3rd St'

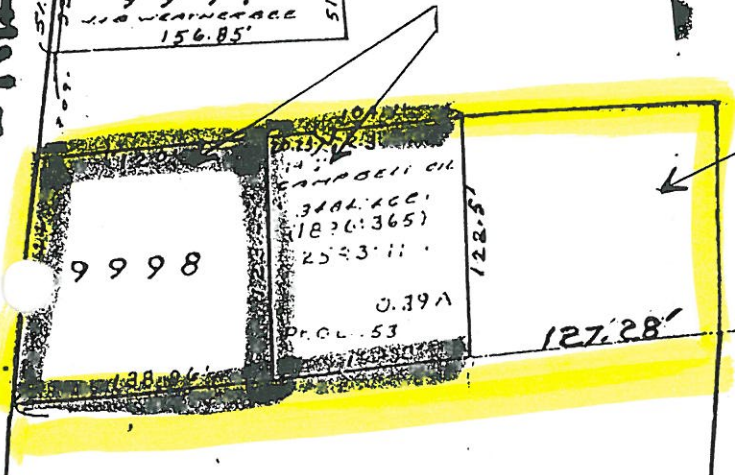
REPLAT - LOT NO. 9998 & PART OF OUT LOT 153

MISS. WASHCO CARPENTRY CO.
3632:632

O. L. 153
CENTRAL
ALLIED

Advanced Industrial Roofing y Stoner

Area to be Acquired



661.5'
N 68° E 928.6'
14.5'
O. L. 155

MASSACHUSETTS

AVE. S. E. 50'

Board of Education (YORK ELEM. SCHOOL)

5.65 Ac.

PT. O. L. 326

WALL PL. 15'

N 2°-03'-45" E 180.00' R. & M.
(Wagoner 179.80')
(not used)

5/8" I. Bar Fnd
10' Deep

60.00' Rec & Meas.

120.00'

N 2°-03'-45" E

60.00' Rec & Meas.

1. Bar Set

(60')

1. Bar Set

(60')

(60')

(60')

The Basis of Bearing is taken from Instr. #96029785, using the west line of Lot # 3659 and the projection as N 2°-03'-45" E

Ref. Used:
C. Rice Surveys Field Books "D", Pg 48
"G", Pg 49, 52
"I", Pg 60
R.F. Wagoner
Survey of Lot 3659, 6/24/79

Lands of C.W. & J.L. Murphy
Instr. #96029785
PT. 3659

Instr. #97062796
3661

PT. 3659

3660

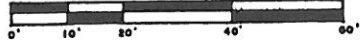
3662

REPLAT OF LOT NUMBER 3661 & PT. 3659

In the City of Massillon, County of Stark, & State of Ohio. Located at 178 - Wall Place S.E., Massillon, O.

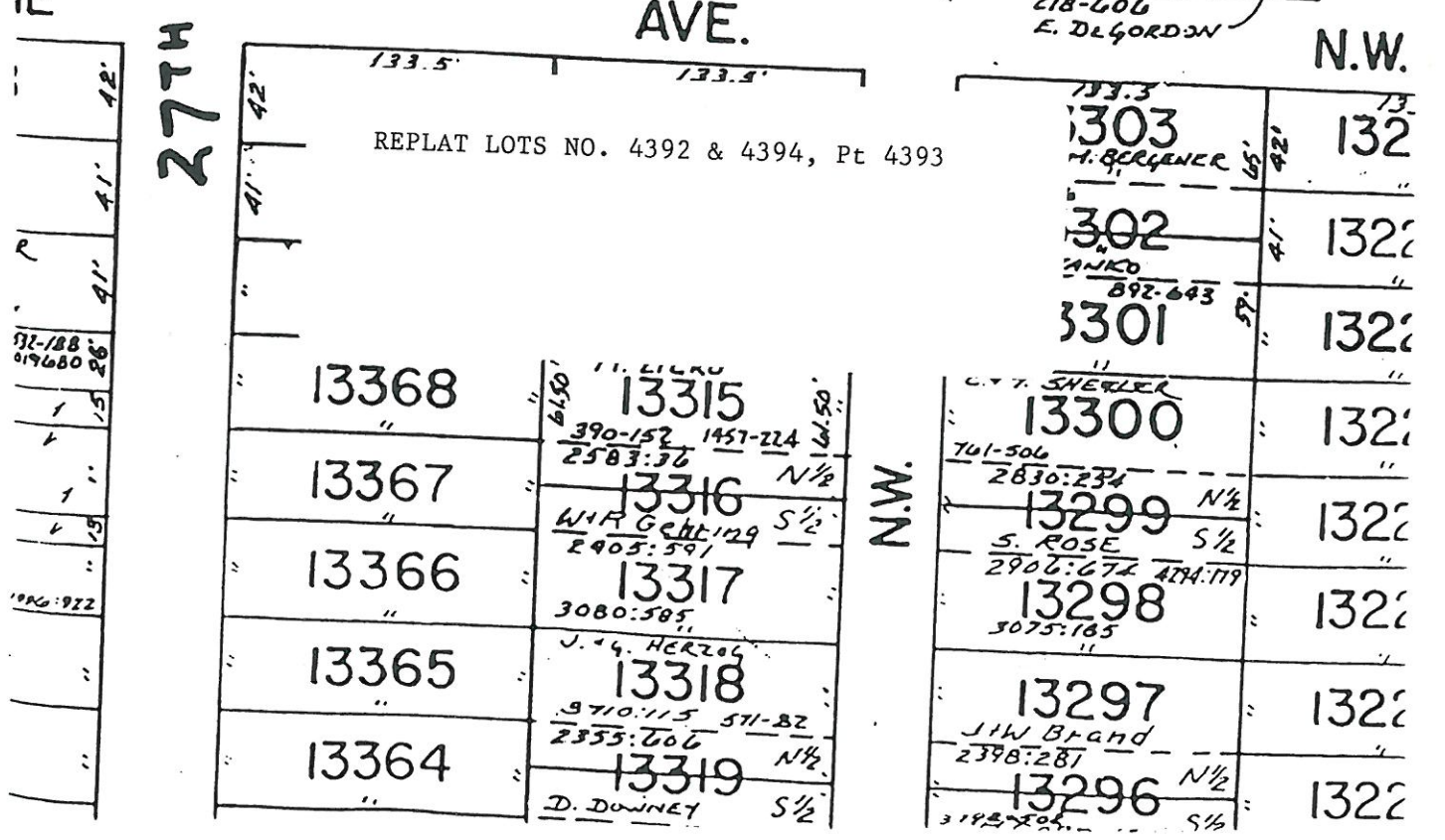
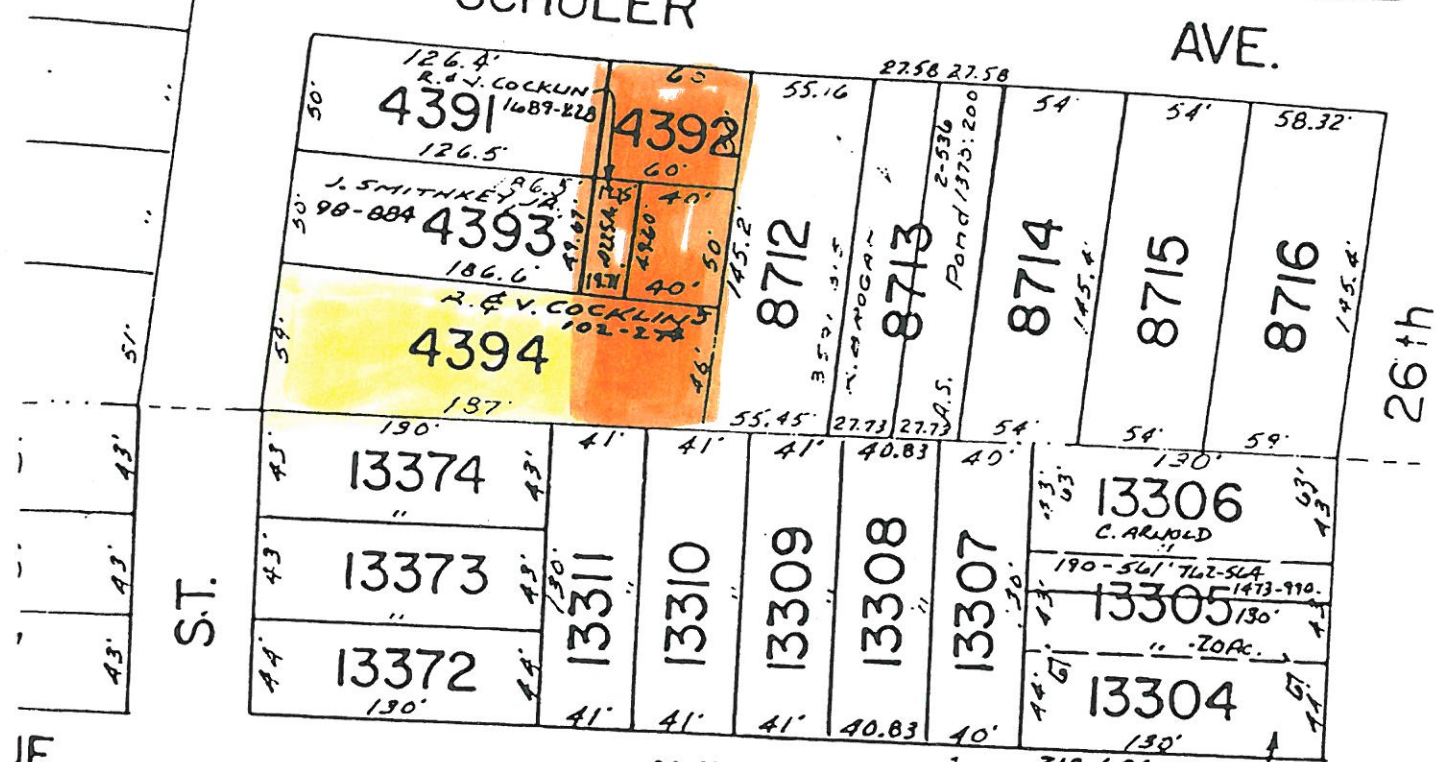
SCALE: 1" = 20'

DATE: May 1, 1999



FOR: MURPHY





- (2) All access to the site shall be in accordance with Section 1187.11.
- (3) No building shall be closer than eighty feet to any property line.
- (h) Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
 - (1) There shall be a minimum distance of not less than ten feet, between the adjoining property line, or alley right of way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten feet.
 - (2) There shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot.
 - (3) Swimming pools shall be located no less than thirty-five feet from any front lot line.
 - (4) No swimming pool shall be located in an easement.
 - (5) For the protection of the general public, swimming pools shall be completely enclosed by a fence not less than six feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval.
 - (6) A pool shall not be located nearer than twenty feet of any overhead power lines. (Ord. 82-1970. Passed 11-2-70.)
- (i) Family Homes licensed under Ohio R.C. 5123.19, subject to the provisions of Section 1187.12.
- (j) Accessory buildings and uses customarily incident to any of the above permitted uses. (Ord. 163-1984. Passed 12-17-84.)

1153.04 AREA AND BULK REQUIREMENTS.

See Section 1177.01 limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.
(Ord. 82-1970. Passed 11-2-70.)