

**A G E N D A**  
**MASSILLON PLANNING COMMISSION**  
**JUNE 9, 1999** **7:30 P.M.**  
**MASSILLON CITY COUNCIL CHAMBERS**

1. *Approval of the Minutes for the Commission Meeting of May 12, 1999.*
2. *Petitions and Requests*

**Rezoning Request - Farris Produce**

Location: 2421 Lincoln Way, N.W., consisting of Lot No. 10268, Out Lot 246 and Part of Out Lot 247, totaling approximately 1.86 acres in size. Presently zoned R-1 Single Family Residential, the request is to rezone this property to B-1 Local Business. This request has been submitted by Edward Farris of Farris Produce for the purpose of allowing for expansion of the business located on this property.

**Final Plat - University Village Phase 4**

Location: Part of Out Lot 557, a 15.394 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 37 lots as follows:

20 lots zoned R-3 One Family Residential  
15 lots zoned R-2 One Family Residential  
2 lots zoned R-1 One Family Residential

This plat also includes the dedication of the following streets:

John Carroll Drive, S.E.; Case Western Drive, S.E.; and portions of Heidelberg Avenue, , S.E.; and Mount Union Avenue, S.E.

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

**Final Plat - Autumn Ridge Estates Phase II**

Location: Part of Out Lot 502, a 6.679 acre parcel located on the east side of 29th Street, N.W., south of Lincoln Way, N.W. This plat will create a total of 16 lots zoned R-2 One Family Residential. This plat also includes the dedication of the following streets: Fire Bush Drive, N.W.; Lauren Circle, N.W.; and Turning Leaf Avenue, N.W. The property owner/developer is D.W.P. The project engineer is NALEX.

### **Final Plat - Westbrook Estates Phase I**

Location: Part of Out Lot 636, a 22.94 acre parcel located on the north side of Lincoln Way, N.W., between Kenyon Avenue and Manchester Road. This plat will create a total of 59 lots zoned R-2 One Family Residential. This plat also includes the dedication of the following streets: Lanedale Street, N.W.; Brightleaf Avenue, N.W., Woodforest Street, N.W.; and Woodstone Avenue, N.W. The owner/developer is A.R. Lockhart Development Co.

### **Replat - Lots No. 6260 and 6261**

Location: The south side of Vermont Avenue, S.E., between 16th and 18th Streets, S.E. The replat will combine these two lots into one new lot. The property in question is presently zoned R-1 Single Family Residential. This request has been submitted by Habitat for Humanity, Massillon Chapter.

### **Replat - Lot No. 13384 and Part of Lot No. 13383**

Location: The west side of 27th Street, N.W., south of Duane Avenue, N.W. The request is to replat these two existing lots into one new lot. The property in question is presently zoned R-1 Single Family Residential. The property owner is Ruby Tiller.

### **Replat - Lots No. 4724 and 4725**

Location: 732 14th Street, S.W. The request is to replat these two existing lots into one new lot. The property in question is presently zoned R-1 Single Family Residential. The property owner is Traci Alcorn.

### **Alley Vacation**

1. A 20 foot wide alley lying between Cherry Road, N.W. and Out Lot 83 and running in an east/west direction between Cliff Street, N.W., and Fourth Street, N.W. The request is to vacate that portion of the alley beginning at the northwest corner of Lot No. 2963 approximately 117 feet easterly.
2. A 15 foot wide alley lying between Cliff Street, N.W. and Fourth Street, N.W. and running in a north/south direction between Cherry Road, N.W. and Out Lot 83. The request is to vacate that portion of the alley from the southeast corner of Lot No. 2963 and the southwest corner of Lot No. 2964 approximately 80 feet northerly.

This request has been submitted by the abutting property owners: Terry Barboza, Massillon Cable TV, Inc., and Consumers Ohio Water Co.

### **Alley Vacation**

Location: A 15 foot alley lying between Green Avenue, S.W., and Walnut Road, S.W., and running in a west/east direction between 9th Street, S.W., and Euclid Street, S.W. The request is to vacate that portion of the alley from 9th Street, S.W., easterly approximately 130 feet. This request has been submitted by Kimberly Cole.

### ***3. Old Business***

#### **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.

The Massillon Planning Commission met in regular session on May 12, 1999, at 7:30 P.M.  
The following were present:

**Members**

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

**Staff**

Aane Aaby  
Marilyn Frazier  
James Benekos

The first item of business was the minutes of the April 14, 1999, meeting. Mr. Johnson moved for approval, seconded by Mr. Bradley, motion carried unanimously.

The next item was a rezoning.

**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.

Mr. Aaby presented the request. He explained that the petition contains signatures of approximately 50% of the surrounding property owners. Some of the area establishments are the Knights of Columbus (K of C), Quarry Ridge Senior Apartments, Friendship Village, which is a complex for handicapped adults. Mr. Boger was present and briefly commented on the request. Mayor Cicchinelli asked why he isn't building single family homes. He responded that duplexes would be more economical.

Rev. Dodson moved to recommend approval, seconded by Mr. Manson, motion carried with 5 yes, 1 no (Mayor Cicchinelli).

The next item was a final plat.

**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 and Associates.

Mr. Aaby presented the request. This property is in the area of Drage School, The Legends and St. Andrews Golf Course. Mr. Benekos added that everything looks good and he would recommend approval. Bryan Ashman from Cooper and Associates was present and commented on the proposal. Mayor Cicchinelli moved for approval, seconded by Rev. Dodson, motion carried.

The next item was a replat.

**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.

Mr. Aaby presented the request. Advanced Industrial Roofing owns two parcels. They are also purchasing another parcel. They want to replat this into one parcel. Rev. Dodson moved for approval, seconded by Mr. Johnson, motion carried.

The next item, which was another replat, was also presented by Mr. Aaby.

**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.

The Murphys wish to combine their two lots into one for the purpose of constructing a garage. Mr. Murphy was present. Mayor Cicchinelli moved for approval, seconded by Mr. Bradley, motion carried.

The next item, presented by Mr. Aaby, was also a replat.

**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 – 27<sup>th</sup> 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 – 27<sup>th</sup> Street)

Mr. Manson moved for approval, seconded by Mr. Pribich, motion carried.

The next item under petitions and requests was another replat.

**Replat – Out Lots 775 and 776**

Location: The west side of 32<sup>nd</sup> 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.

Mr. Aaby presented this request also. This will result in the configuration of a lot split which was approved by the Planning Commission last year. Also, more land will be added to the lot which faces 32<sup>nd</sup> Street. Rev. Dodson moved for approval, seconded by Mr. Bradley, motion carried.

Mr. Aaby presented the final item for the evening under other business.

**Other Business**

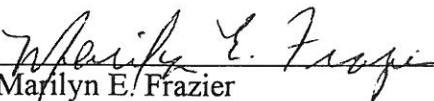
**Proposed Amendment to the Zoning Code – Private Swimming Pools**

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.

This change would eliminate delays when property owners wish to construct swimming pools.

James Witherspoon, Chief Building Official, was present and spoke on the request. He commented that certain contractors refuse to contract with city property owners due to this regulation and the delay associated with waiting for a scheduled meeting. After a brief discussion, Mayor Cicchinelli moved to recommend approval of the zone change and also to grant conditional approval of any request for the construction of swimming pools subject to review by the Building Department. The motion was seconded by Mr. Johnson, and carried unanimously. This conditional approval is in effect until Council acts on the request for the proposed amendment to the zoning code.

Respectfully Submitted,

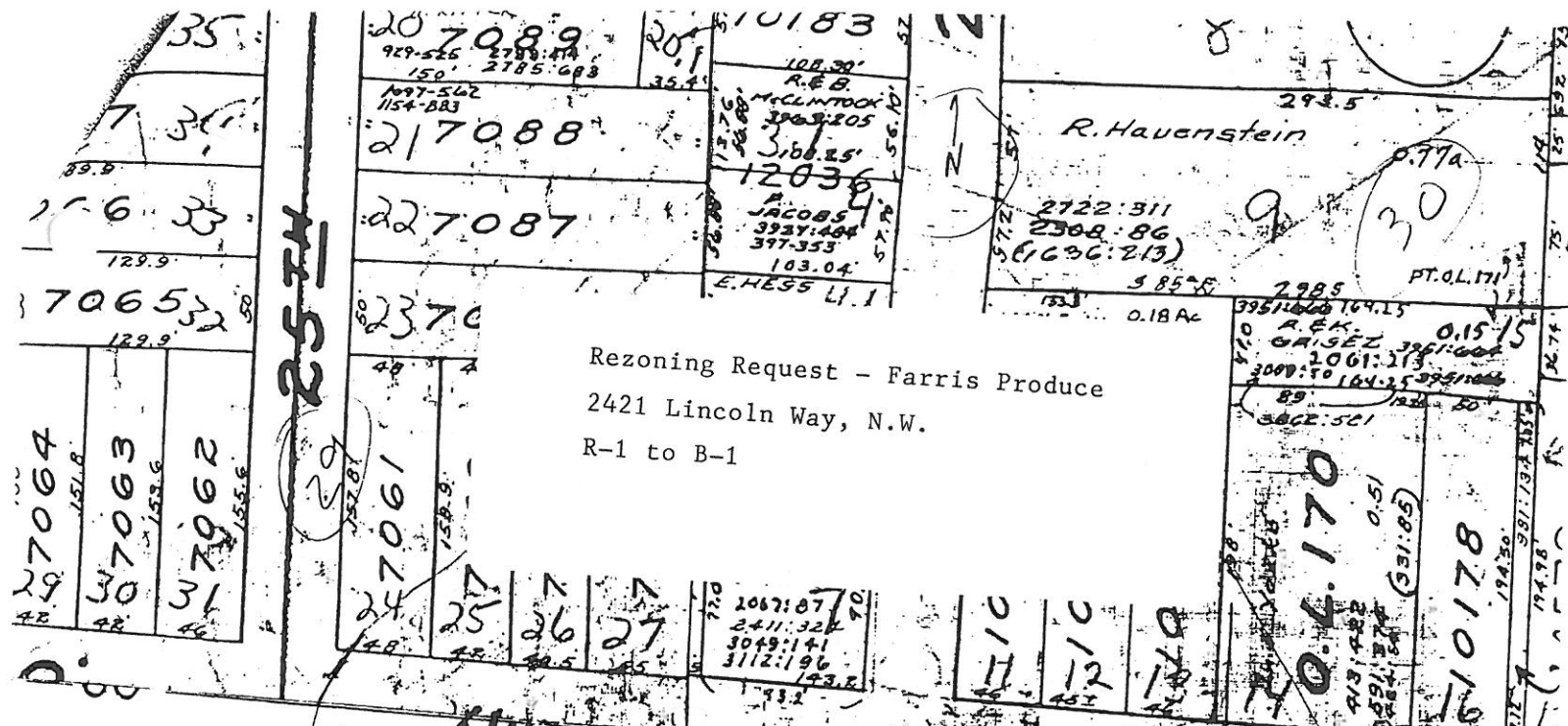
  
Marilyn E. Frazier  
Commission Clerk

Approval:

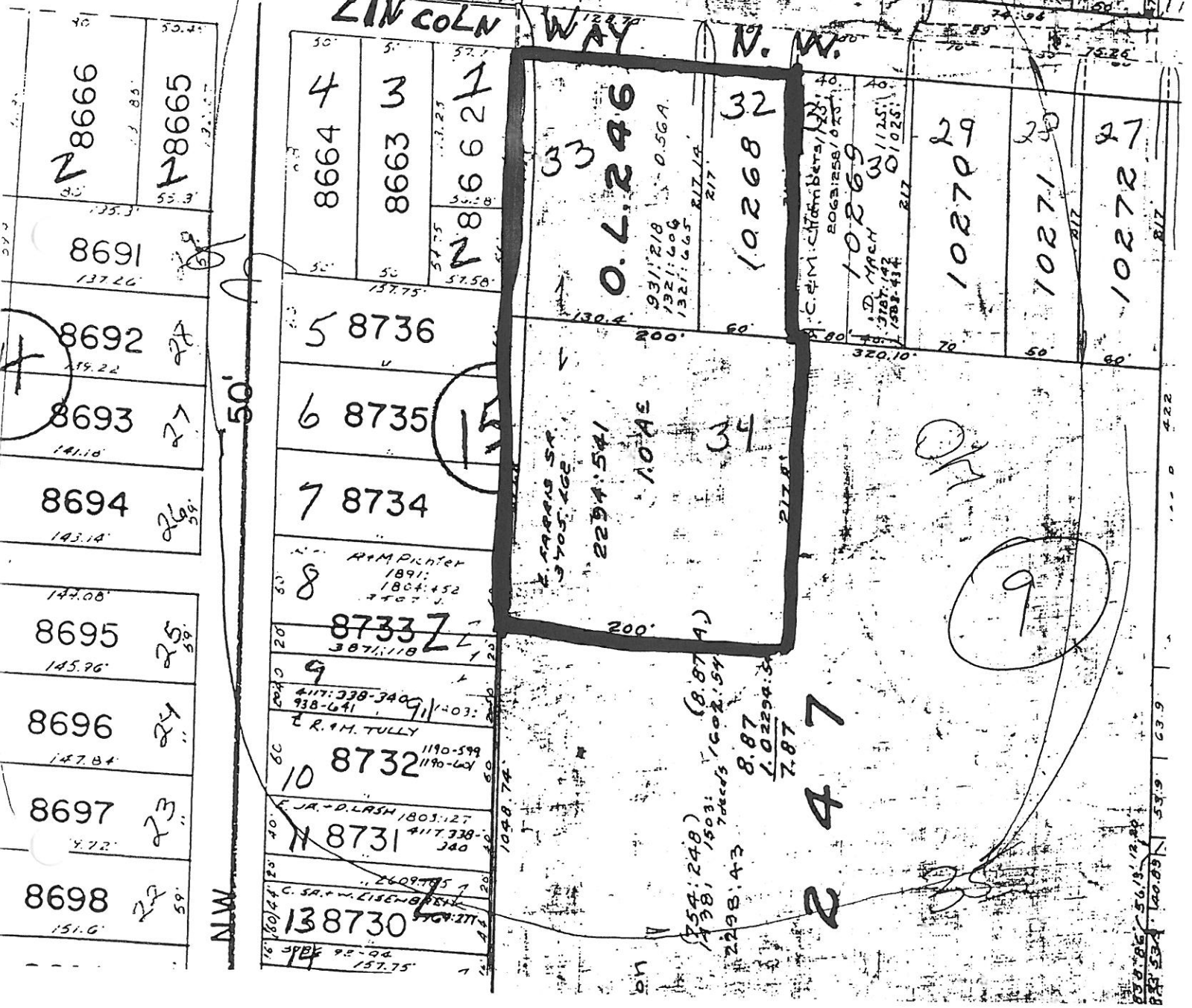
  

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Rezoning Request - Farris Produce  
2421 Lincoln Way, N.W.  
R-1 to B-1



Farris Produce, Inc. wanted to construct an addition to its presently existing facilities. They were advised by the building department that Farris Produce is a non-conforming use and that a variance was not possible and therefore they could not proceed with their plans. The building department suggested that they apply for re-zoning so that they can proceed with the addition to their building.



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

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

ETHEL WHEELER  
DV 4210 PG 703  
0.746 AC.

DAVID RAPOVY  
0.80 AC.

J. & R. BRAI  
D.V. 3753 PG.  
1.67 AC.

ST ANDREWS GOLF ESTATES NO. 1  
LOTS 1 - 58 p.b. 60 pg 105

CYPRUS DRIVE S.E. - 50'

N85°45'W 652.08'

S02°15'00"W  
415.14'

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

S88°15'00"E 914.14'

S26°07'40"E  
523.88'

RICHVILLE DRIVE S.E. -  
PT. O.L. 557  
L-1  
L-2  
60' (S)  
S26°02'00"E

UNIVERSITY VILLAGE  
PHASE 4

N63°52'20"E  
223.14'

N02°48'14"E 2682.25'

UNIVERSITY VILLAGE  
PHASE 2  
P.B. XX  
PAGES XX

UNIVERSITY VILLAGE  
PHASE 1

P.B. 65  
PAGES 21-22

P.R.M.D.C. LTD.  
O.L. 557  
R.I. No.97068027  
(109.17 AC.)

UNIVERSITY VILLAGE  
PHASE 3  
P.B. XX  
PAGES XX

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

N.E. QTR. N.W. QTR.  
S.E. QTR. S.W. QTR.  
SFC. 21 SEC. 22

908.80'

N85°00'00"W 2024.88'

S.E. QTR. S.W. QTR.

RECORD PLAT  
UNIVERSITY VILLAGE PHASE 4  
LOCATED IN PART OF O.L. 557 IN THE CITY OF MASSILLON  
STARK COUNTY, OHIO

MAY 1999

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

AREA IN ROADWAY 2.809 Ac.  
AREA IN LOTS 12.585 Ac.  
TOTAL AREA 15.394 Ac.

TOTAL NUMBER OF LOTS - 37

ARK C  
VOCA  
DV 38  
82

C I 738

DE RI






SCALE IN FEET  
 0 25 50 100

DATE: \_\_\_\_\_

## Autumn Ridge Estates Phase II

D. W. P.

NALEX

[illegible]

Approved by the City of Maestlin Planning Commission this  
Day of \_\_\_\_\_ 19\_\_\_\_

**Chairman**

Accepted by the City Council of Massillon, Ohio, by Ordinance No.

Jeffrey

I certify based on documents submitted to me, that to my knowledge No Encumbrances exist on any of the lands herein offered for Dedication as public streets as of this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Assigned by the Mosallion City Engineer.

Entered for Transfer this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Stark County Auditor

Received for Record this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Stark County Auditor

I hereby certify that this plot of Autumn Ridge Estates Phase II Located in the City of Massillon, County of Stark, and in the State of Ohio and being Part of Oak 302, represents a survey made by me which balances and closes, that the monuments shown hereon set or shall be set as shown and that the measurements shown added or subtracted as the case may be will not vary from the true and accurate dimensions and bearings shown adjacent.

Know all men by these presents, that the undersigned owners of the Land shown on this plat, does hereby acknowledge the

**STATE OF OHIO**  
**COUNTY OF STARK**

I, \_\_\_\_\_, Notary Public, do hereby certify that \_\_\_\_\_, personally appeared before me, a Notary Public, duly sworn, who acknowledged to me that he was the owner of the above described premises, and that he desired to sign the foregoing instrument and that it was his free act and voluntary deed, according to law, in testimony whereof, I have hereunto subscribed my name and affixed my seal of  
\_\_\_\_\_  
Notary Public.

[illegible]

SOURCES USED:

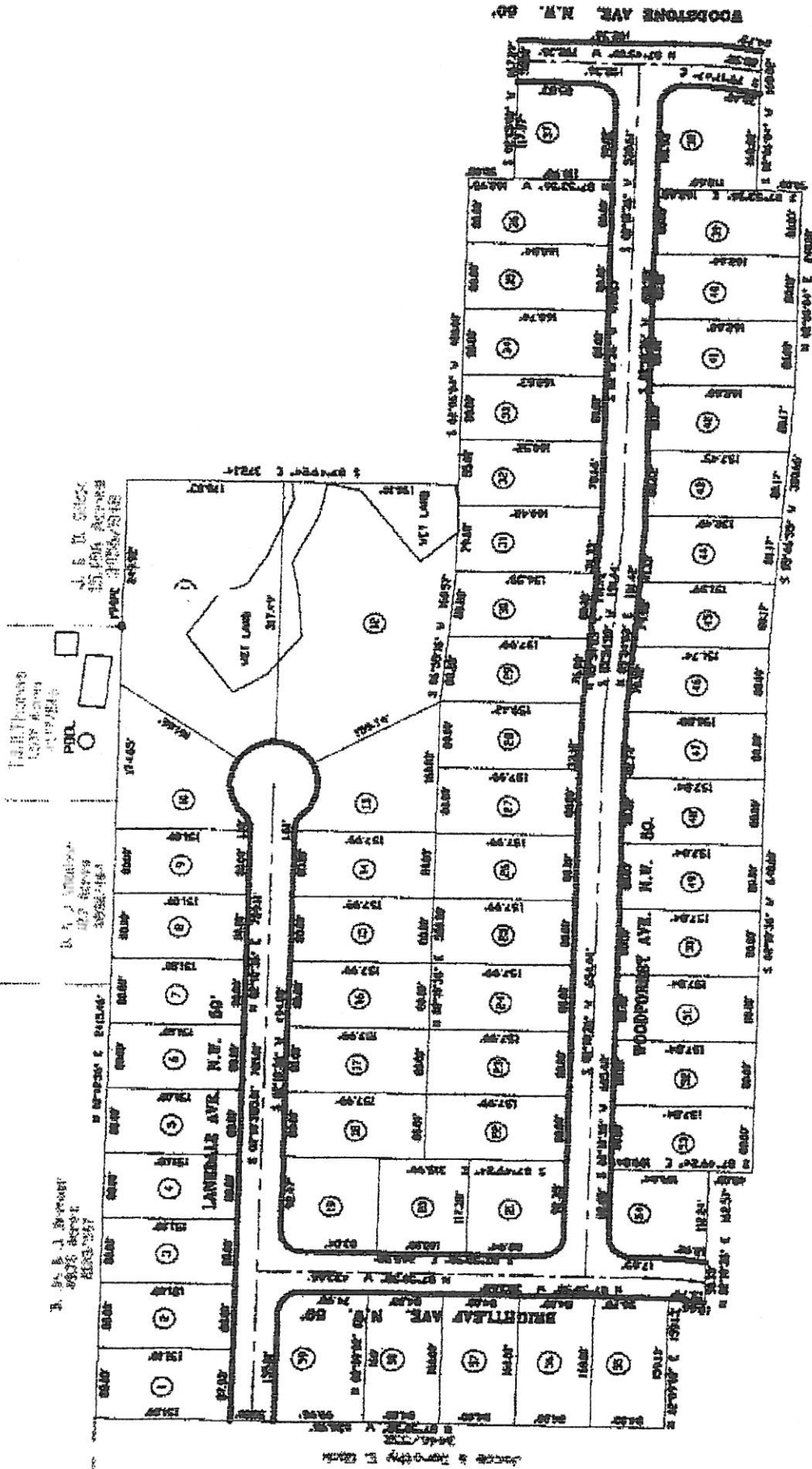
1. TAX MAP  
2. DEEDS:  
- O.R. 95, PAGE 191  
- O.R. 1268, PAGE 878  
- O.R. 1268, PAGE 710  
- O.R. 4211, PAGE 782  
3. SURV. C. DEED, DATED 5-26  
- C. GUNNAP SONS DATED 7-67  
- C. GUNNAP SONS DATED 8-24-63  
4. PLAT OF WEST VIEW HEIGHTS ALLOT.  
PLAT BOOK 13, PAGE 24

NOTE: A STANDARD PROPERTY 5/8" BAR SHALL BE SET AT ALL INTERSECTIONS AND CURVES AS SHOWN. (SEE PLAN)

■ DENOTES MONUMENT BOXES TO BE SET AT INTERSECTIONS AND CURVE POINTS WITH 5/8" BAR.

Basis of Bearing:

Bearings are based on N 04°42' W along the west line of the Northwest Quarter of Section 13, Tuscarawas Township, which is also the centerline of 29th Street as per Deed Volume 3443, Page 200, Stark County Records.



Final Plat - Westbrook Estates Phase I

16 TH ST. SE - 60' 18 TH ST. SE - 60'

VERMONT AVE SE - 60' 58° 37' 06" E

MASSACHUSETTS AVE SE - 60'

SCALE 1" = 100'

0 50 100 150

ON STEEL BAR (B.) OR PIPE (P.) FOUND  
PIPE DIMENSIONS ARE O.D.  
● 5/8" STEEL BAR SET  
RADIUS OF BEARINGS ASSUMED  
(0.00') RECORD DISTANCE

I hereby declare that this plat accurately represents a survey made under my supervision in accordance with the Minimum Standard for Boundary Surveys in the State of Ohio per Chapter 4733-37 of the Ohio Administrative Code.

Richard C. Friedl

3-5-99

Richard C. Friedl, P.S. #5938

5440 FULTON DR. N.W. SUITE 211  
CANTON, OHIO 44718  
(330) 966-8808

POGEMEYER DESIGN GROUP, INC.  
ARCHITECTS + ENGINEERS + PLANNERS

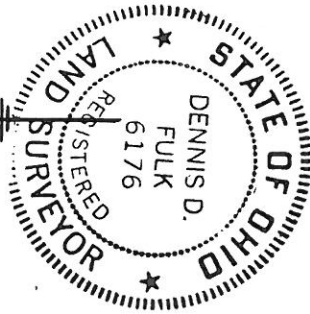
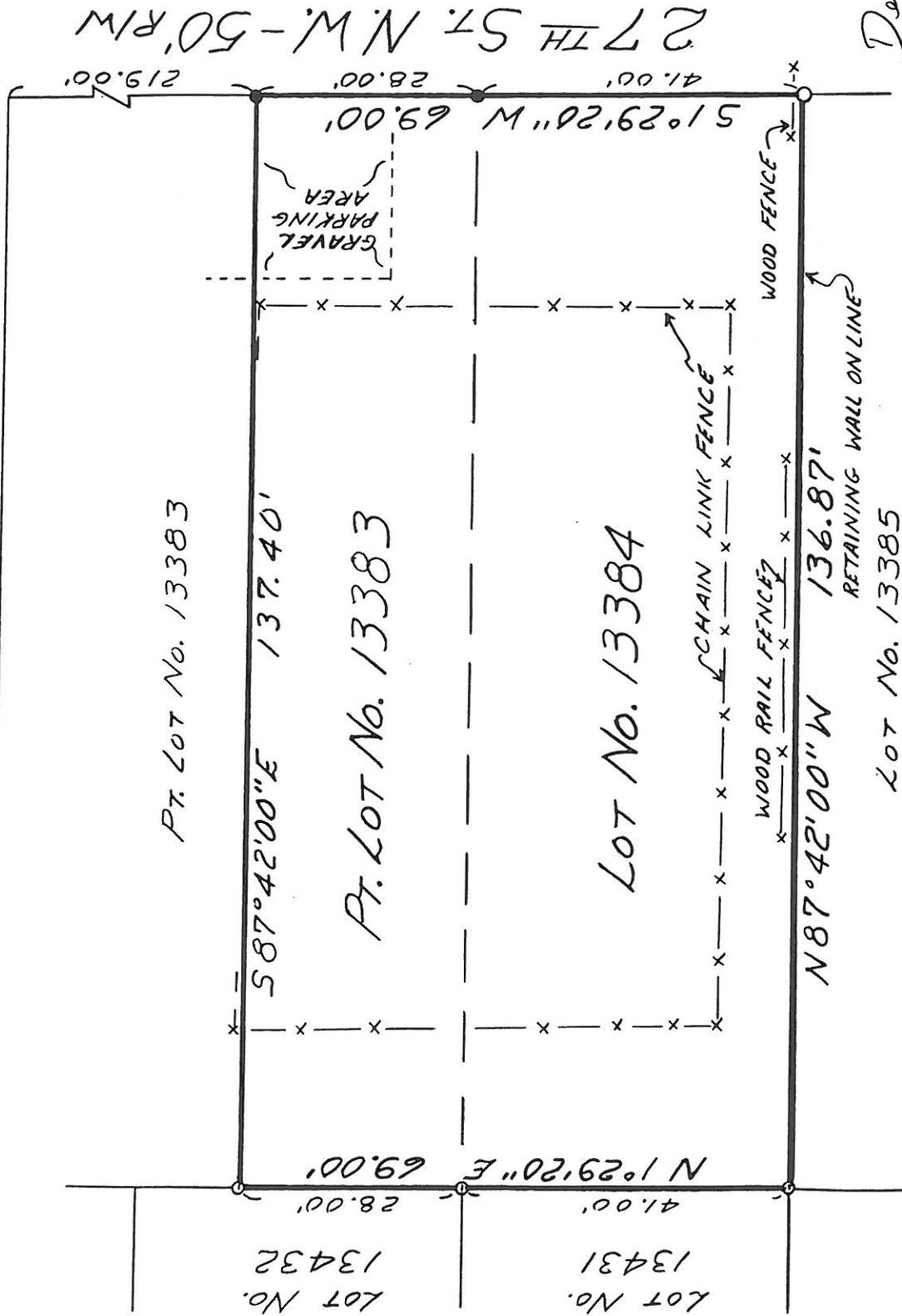
STATE OF OHIO  
Richard C. Friedl  
S-5938  
REGISTERED SURVEYOR

MASS. MAP 35

DETAIL LOT 626  
SCALE: 1" = 50'



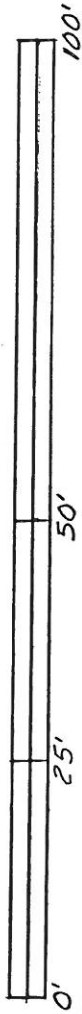
DUANE AVE. N.W. - 40' R/W



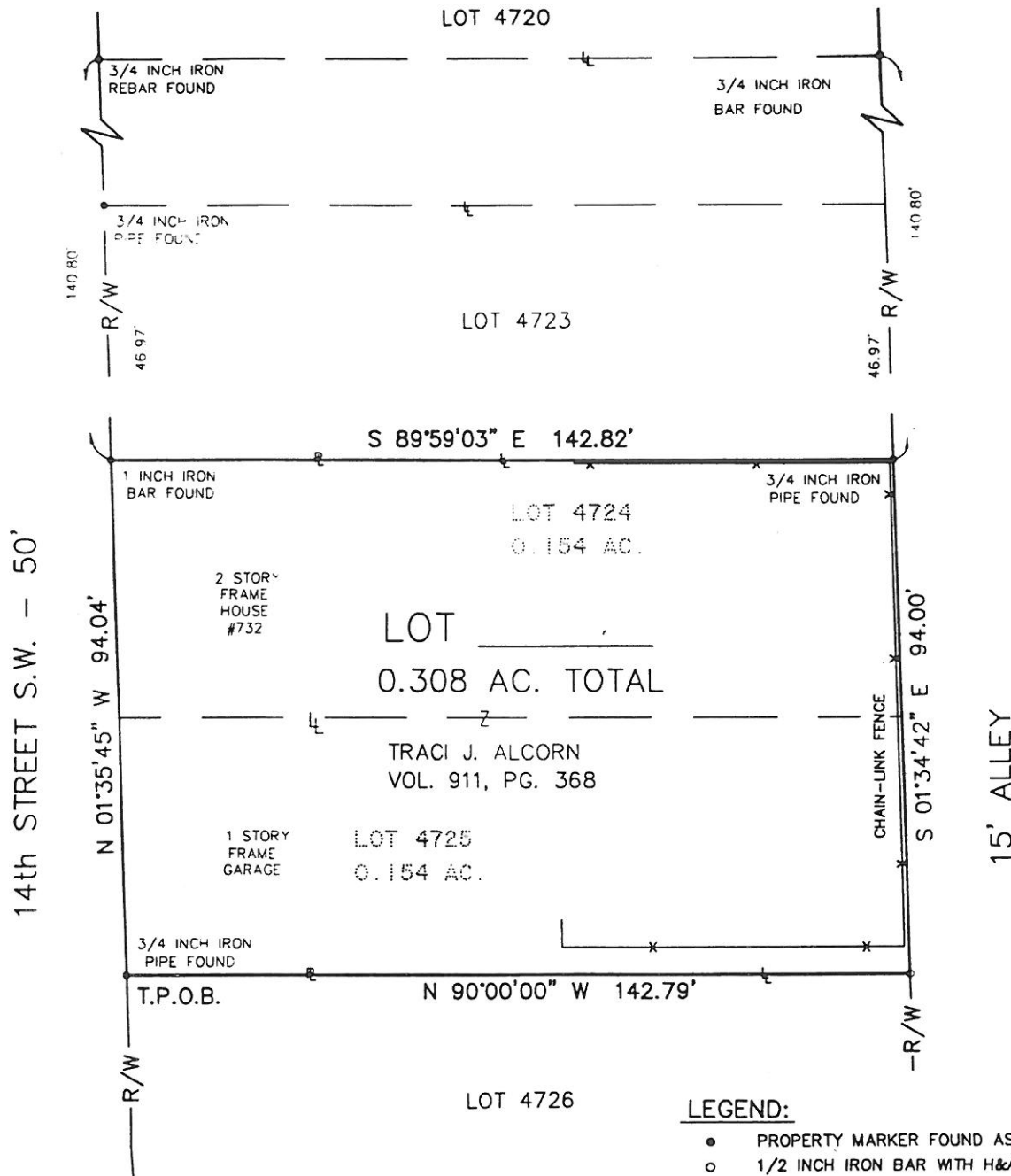
Dennis D. Fulk, P.S.  
April, 1999

NOTES:

- REFERENCES: DO. VOL. 3996 PG. 922, PLAT OF WESTVIEW HTS. PG. 13 PG. 24, MASS. TAX MAP NO. 39
- BRGS. BASED ON PG. 13 PG. 24, N 87°42' W FOR DUANE AVE. N.W.
- 0 = 1" IRON PIPE FOUND
- ● = 3/4" IRON BAR SET



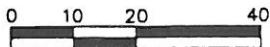
|                                                                                           |             |
|-------------------------------------------------------------------------------------------|-------------|
| MAP OF SURVEY OF LOT No. 13384 & PT. LOT No. 13383, CITY OF MASSILLON, STARK COUNTY, OHIO |             |
| DENNIS D. FULK, P.S.                                                                      | APRIL, 1999 |
| MASS., OH. 837-9683                                                                       | 1" = 20'    |



REPLAT OF LOTS 4724 AND 4725  
LOCATED IN THE CITY OF MASSILLON,  
COUNTY OF STARK, AND STATE OF OHIO

MAY 14, 1999

SCALE 1" = 20'



#### LEGEND:

- PROPERTY MARKER FOUND AS NOTED
- 1/2 INCH IRON BAR WITH H&A CAP SET
- R PROPERTY LINE
- L LOT LINE
- R/W RIGHT-OF-WAY
- T.P.O.B. TRUE PLACE OF BEGINNING

#### DATA USED:

TAX MAP - MASSILLON 51A  
MORTGAGE LOCATION SURVEY BY:  
MICHAEL L. DECKER, P.S. 6882, DATED 3/1/90  
DEED - VOL. 911, PG. 368

#### BASIS OF BEARING:

N 01°35'45" W THE EASTERLY RIGHT-OF-WAY  
LINE OF 14th STREET S.W. (ASSUMED)

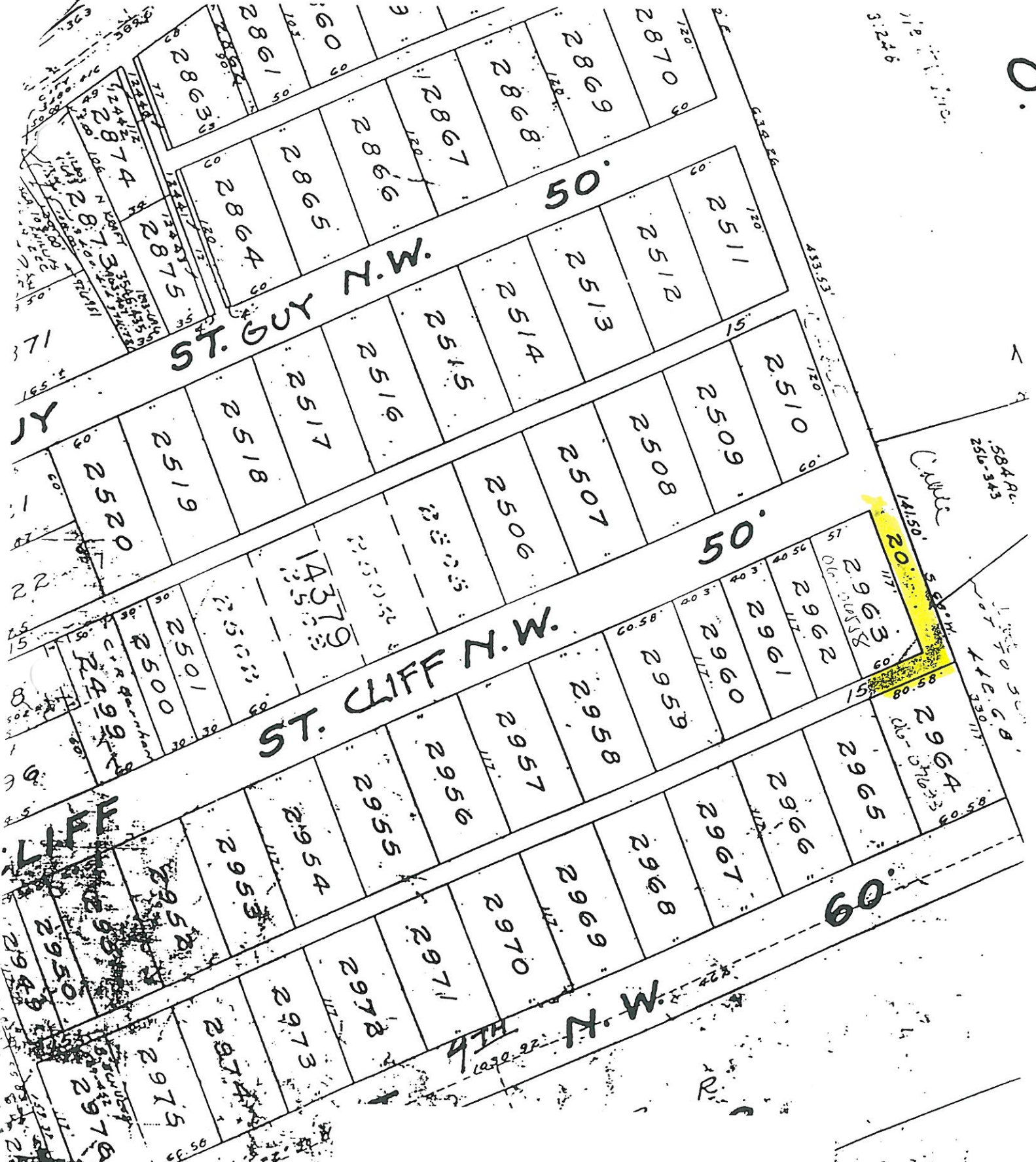
IN \_\_\_\_\_ FOR SAID COUNTY AND STATE, PERSONALLY  
OWNED OF THE LAND SHOWN ON THIS PLAT, WHO  
SIGN THE FOREGOING INSTRUMENT AND THAT IT WAS  
ORDING TO LAW. IN TESTIMONY WHEREOF, I HAVE  
E AND AFFIXED MY SEAL AT \_\_\_\_\_,  
\_\_\_\_\_, 1998.

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED OWNER OF THE  
LAND SHOWN ON THIS PLAT, DOES HEREBY ACKNOWLEDGE THE MAKING OF THE  
SAME TO BE THEIR FREE ACT AND DEED.

WITNESS

OWNER  
TRACI J. ALCORN





ALLEY VACATION REQUEST



# ALLEY VACATION REQUEST

GREEN

AVE.

S.W.

57

811

P1

41

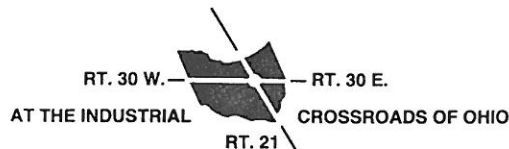
9TH

53

60

WALNUT

WA.  
M. BOOTH



## 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**  
James E. Witherspoon – 830-1724

**Housing Director**  
Marilyn Frazier – 830-1717

**Wastewater Treatment Department  
Manager**  
Joseph R. Ulrich – 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 Director**  
James P. Seikel – 832-1621

**Youth Director**  
Constance Ledwell – 837-3137

**Senior Citizens Director**  
Nancy A. Johnson – 837-2784

**Income Tax Administrator**  
Kirk T. Albrecht – 830-1709

**Operations Superintendent**  
George H. Patterson – 833-5746

September 16, 1999

Re: City of Massillon  
Out Lot #808

To Whom It May Concern:

Drive access to Out Lot #808 from Ruby Avenue, N.W. will be permitted via an unnamed 25' dedicated roadway.

This drive access would be considered a private driveway across dedicated street right-of-way. The City would not maintain this private drive nor would the City compensate the property owner for any costs associated with it.

Utility laterals such as sewer, water, gas etc. would be permitted to utilize this right-of-way.

Sincerely,

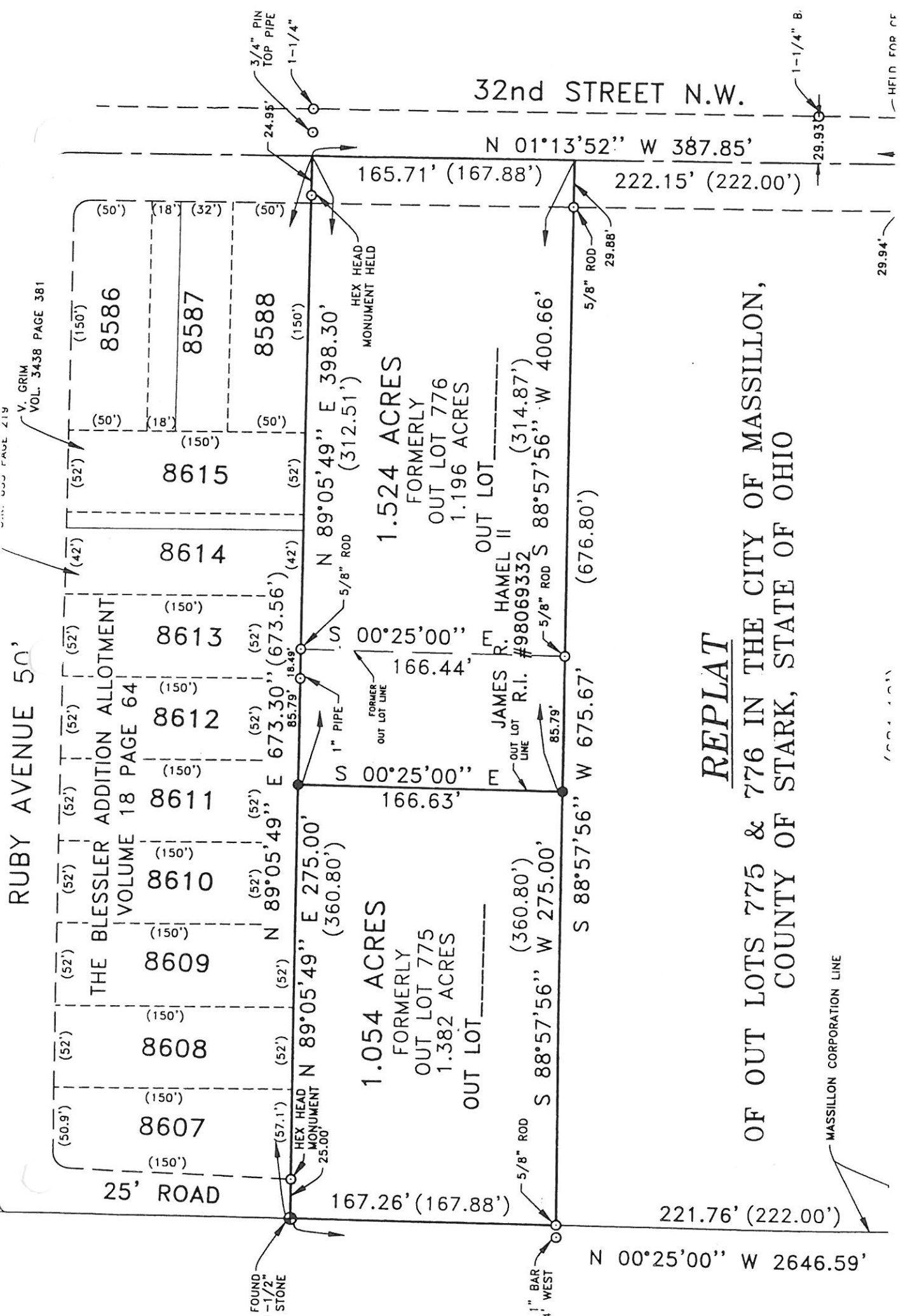
James J. Benekos, P.E., P.S.  
City Engineer

JJB/lm

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

RUBY AVENUE 50'

V. GRIM  
VOL. 3438 PAGE 381



**REPLAT**  
OF OUT LOTS 775 & 776 IN THE CITY OF MASSILLON,  
COUNTY OF STARK, STATE OF OHIO

MASSILLON CORPORATION LINE

MASSILLON CORPORATION LINE

MASSILLON CORPORATION LINE