

A G E N D A
REVISED - **ITEM ADDED
MASSILLON PLANNING COMMISSION
NOVEMBER 10, 1999 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of October 13, 1999.*

2. *Petitions and Requests*

Rezoning Request

Location: Part of Lot No. 3674, located on the east side of 26th Street, S.E., south of Lincoln Way East. The request is to rezone this property from B-1 Local Business to R-1 Single Family Residential. This request has been submitted by Larry Kolic, who wishes to purchase this property and construct a single family dwelling on this currently vacant lot.

Rezoning Request

Location: Out Lot 162 and Lot No. 10146, a 3.25 acre parcel located on the south side of Lake Avenue, N.W., between State Route 21 and the Tuscarawas River. The request is to rezone this property from R-1 Single Family Residential to B-1 Local Business. This request has been submitted by Ernie Lehman, who wishes to operate a bicycle and canoe rental business at this location.

Vacation, Dedication, and Replat

Location: The east side of 6th Street, S.W., between Finefrock Road, S.W. (State Route 241) and Oberlin Road, S.W. The request includes the following:

1. The Vacation of part of Pennock Avenue SW and part of Duncan Street SW.
2. The Dedication of Part of Oberlin Avenue SW and Part of 6th Street SW.
3. The Replat of Lots No. 12005 and 10366, Out Lot 293 and Part of Out Lot 788, and the vacated parts of Pennock Avenue SW and Duncan Street SW.

The property owner is Bonk's Properties. The engineer/surveyor is Dennis Fulk.

Replat - Lots No. 10052, 10053, 10054, and 11868

Location: 767, 767 1/2, and 771 11th Street, S.E., located on the west side of 11th Street, S.E., south of Walnut Road, S.E. The request is replat this property into 3 new lots. This request has been submitted by Allen Lint, the property owner.

Replat - University Village Phase III

Location: University Village, located on the north side of Nave Road, S.E., west of Richville Drive, S.E. The request is to replat Lots No. 15922 through 15959 located on Wright State Drive, S.E. These 8 existing lots will be replatted into 6 new lots, all zoned R-T Two Family Residential. The lots need to be made larger due to the size of easements running through the property. The owner/developer is P.R.M.D.C., Ltd. The project engineer is Cooper & Associates.

Replat - Part of Out Lot 321

Location: 340 27th Street, S.E., a 54 foot by 236.3 foot parcel located on the east side of 27th Street SE, south of Lincoln Way East. (The rear portion of the lot is located in Perry Township.) The request is to replat this parcel into two new lots so that the portion containing the dwelling can be sold and the owner can retain the storage building at the rear of the property. This request has been submitted by Shirley Flad, the property owner.

Storm Sewer Easement Plat - Lincoln Hills Allotment No. 6A

Location: A proposed 8 foot wide storm sewer easement running along the north end of Lot No. 15811 on the east side of Wagoner Street, N.W., in the Lincoln Hills Allotment. Earl and Thelma Glick, the property owners, are proposing to grant this easement to the City of Massillon. The project engineer is Cooper and Associates.

****Dedication and Replat - Part of Out Lots 345, 509, and 555**

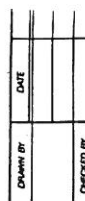
Location: A 12.126 acre parcel of land located on the north side of Hankins Road, N.E., east of Wales Road. The request is to replat these parcels into one new out lot and to dedicate additional right-of-way to Hankins Road. This request has been submitted by William A. Day, President, Springhill Condominium, Inc. The engineer/surveyor is Robert P. Hoover, Hoover and Associates, Inc.

3. New Business

Zoning Amendment - Chapter 1137 "Changes and Amendments"

City Council has introduced Ordinance No. 203 -1999 an ordinance repealing and enacting new sections of the City zoning code as follows: Section 1137.02 "Details of Procedure"; Section 1137.03 "Application Fees"; Section 1137.04 "Reference and Hearing"

The proposed amendments have been referred to the Planning Commission for review and recommendation.



TOTAL AREA TO BE PLATTED - 12.126 ACRES

*PARTS of OUT LOTS 345, 509 & 555
in the CITY of MASSILLON
STARK COUNTY, OHIO*

HOOVER and ASSOCIATES, Inc.
PROFESSIONAL SURVEYING SERVICES

5782 HUCKLEBERRY STREET N.W. NORTH CANTON, OHIO 44720

SCALE: 1" = 60'	OCTOBER 1999	SHEET 1 OF 1
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PRINT WITNESS NAME: _____

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NOVEMBER 10, 1999 **7:30 P.M.**
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- Section 1137.02 "Details of Procedure"
- Section 1137.03 "Application Fees"
- Section 1137.04 "Reference and Hearing"

The proposed amendments have been referred to the Planning Commission for review and recommendation.

The Massillon Planning Commission met in regular session on October 13, 1999, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Members

Chairman Fred Wilson
Vice Chairman Rev. David Dodson
Alan Climer
Sheila Lloyd
Ron Pribich
Paul Manson

Staff

Aane Aaby

The first item of business was the minutes of the September 8, 1999 meeting. Rev. Dodson moved for approval, seconded by Sheila Lloyd, motion carried.

The next item under Old Business was a replat.

Replat – Lots No. 3403-3404

Location: Lot No. 3403 and Part of Lot No. 3404, located on the east side of 14th Street, S.E., south of Walnut Road, S.E. The request is to replat this property into two new lots. The property owner is Marva Robinson. The surveyor is Curtis Deibel. This request was tabled at last month's Commission meeting.

Since there wasn't a representative present, Rev. Dodson moved to table, Mr. Manson seconded, motion carried.

The next item was also a replat.

Replat – Lots No. 3769-3770

Location: Lot No. 3769 and Part of Lot No. 3770, located on the east side of 24th Street, N.W., north of Stanton Avenue, N.W. The request is to replat this property into two new lots. The property owner is Kurt Tabellion. The surveyor is Campbell & Associates, Inc. This request was tabled at last month's Commission meeting.

Mr. Aaby presented the request. Mr. Tabellion, who was present, owns all of Lot 3769 and Part of Lot 3770 and wishes to replat the property in order to build a second house. The replat would create substandard lots.

At last month's meeting the Commission suggested Mr. Tabellion contact the owner of an adjacent parcel to see if they could reach an agreement to prevent the necessity of creating substandard lots. Mr. Tabellion said the owner of the property doesn't wish to sell. After a brief discussion, Rev. Dodson moved for approval contingent on the relocation of the garage, Mr. Pribich seconded, motion carried 3 – 2.

The next item under New Business was a rezoning request.

Rezoning Request – 2629 Lincoln Way West

Location: 2629 Lincoln Way West, Part of Out Lot 245. The request is to rezone an additional 107.70 feet by 120 feet portion of this property from R-1 Single Family Residential to B-1 Neighborhood Business to permit expansion of the existing Twistee Treat restaurant. The request has been submitted by Russell Draime, the property and business owner.

Mr. Aaby presented the request. This is an existing building which was rezoned in the early 1970's, and Twistee Treat went in there several years ago. Mr. Draime wishes to expand his restaurant. There is a business across the street from this site. Mr. Draime said he wishes to operate a curb service restaurant twelve months a year as opposed to the present six-month ice cream stand. Mr. Climer moved for approval, seconded by Mr. Pribich, motion carried 3 – 2.

The next item was also a rezoning request.

Rezoning Request – 2307 Lincoln Way West

Location: 2307 Lincoln Way West, Part of Out Lot 249. This request is to rezone this 0.50 acre parcel from R-1 Single Family Residential to O-1 Office. This request has been submitted by Bruce and Julie Horvath, who wish to purchase this property and convert the building into an insurance office.

This is a one-half acre parcel currently with a structure which is being used as an apartment with a garage. The applicants, Bruce and Julie Horvath, wish to purchase the property and convert the structure into an office in order to operate an insurance company. The petition contains in excess of 50% of property owner's signatures. There is business and office zoning in the area. Julie Horvath was present and commented that she wishes to open an insurance agency and will be improving the property. They plan to continue renting the apartment. Rev. Dodson moved for approval, seconded by Mr. Pribich, motion carried 4 – 1.

The next item was also a rezoning request.

Rezoning Request – Bonk's Properties

Location: Out Lot 785, a 12.4 acre parcel located between Southway Street and Richville Drive, east of 16th Street, S.E. The request is to rezone this property from A-1 Agricultural to RM-1 Multiple Family Residential. This request has been submitted by Bonk's Properties, who wish to develop this property with condominiums.

Mr. Aaby presented the request. Earlier this year a similar request was approved by the Commission and Council. Mr. Pribich commented that originally this portion was to be used for the golf course, but the plans have changed, therefore, they'd like to use it for condominiums. Mr. Manson moved for approval, seconded by Mr. Climer, motion passed with Mr. Pribich abstaining.

The next item was a replat.

Replat – Lots No. 400-406

Location: Lots No. 401- 406, and Part of Lot No. 400, a 0.505 acre parcel located at the northwest corner of Lincoln Way West and Third Street, N.W. The request is to replat this property into one lot. The property is zoned B-2 Central Business District. The property owner is the City of Massillon. The surveyor is Ronald C.Hunt.

Mr. Aaby presented the request. The City owns this property which was the former site of Progressive Chevrolet. The site is vacant and the City is in the process of conveying it to Montrose Development who wants to build an office building. The replat would simplify the sale. Mr. Manson moved for approval, seconded by Rev. Dodson, motion carried unanimously.

The next item was another replat.

Replat – Out Lot 764

Location: Out Lot 764, an 89.994 acre parcel located in the northwest quadrant of the State Route 21 and U.S. 30 interchange. The request is to replat this property into two new out lots, one 63.459 acres in size, the other 26.538 acres. The property owner is Twenty-One Thirty Corp. The engineer/surveyor is Hammontree & Associates Ltd.

This 63 acre tract is the site for Massillon Marketplace which is to include Walmart, Lowes and other businesses. The ground breaking is scheduled for Friday, October 15, 1999, at 9:00 A.M. This is necessary in order to complete the sale. A representative of the engineer's office has looked at the plat which complies with all requirements. Mr. Manson moved for approval, seconded by Mr. Climer, motion carried unanimously.

The final item was another replat.

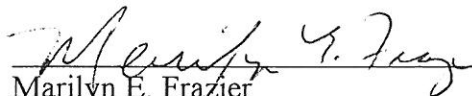
Replat – Lots No. 7108 and 12040

Location: 503 24th Street, N.W., Lots No. 7108 and 12040. The request is to replat this property into two new lots. The property owners are Daniel and Glenda Moser. The surveyor is Orville DeBos.

Mr. Aaby presented the request. After a brief discussion, Mr. Pribich moved for approval, seconded by Mr. Climer, motion carried unanimously.

There being no further business, the meeting adjourned at 9:00.

Respectfully submitted,


Marilyn E. Frazier
Commission Clerk

Approval:

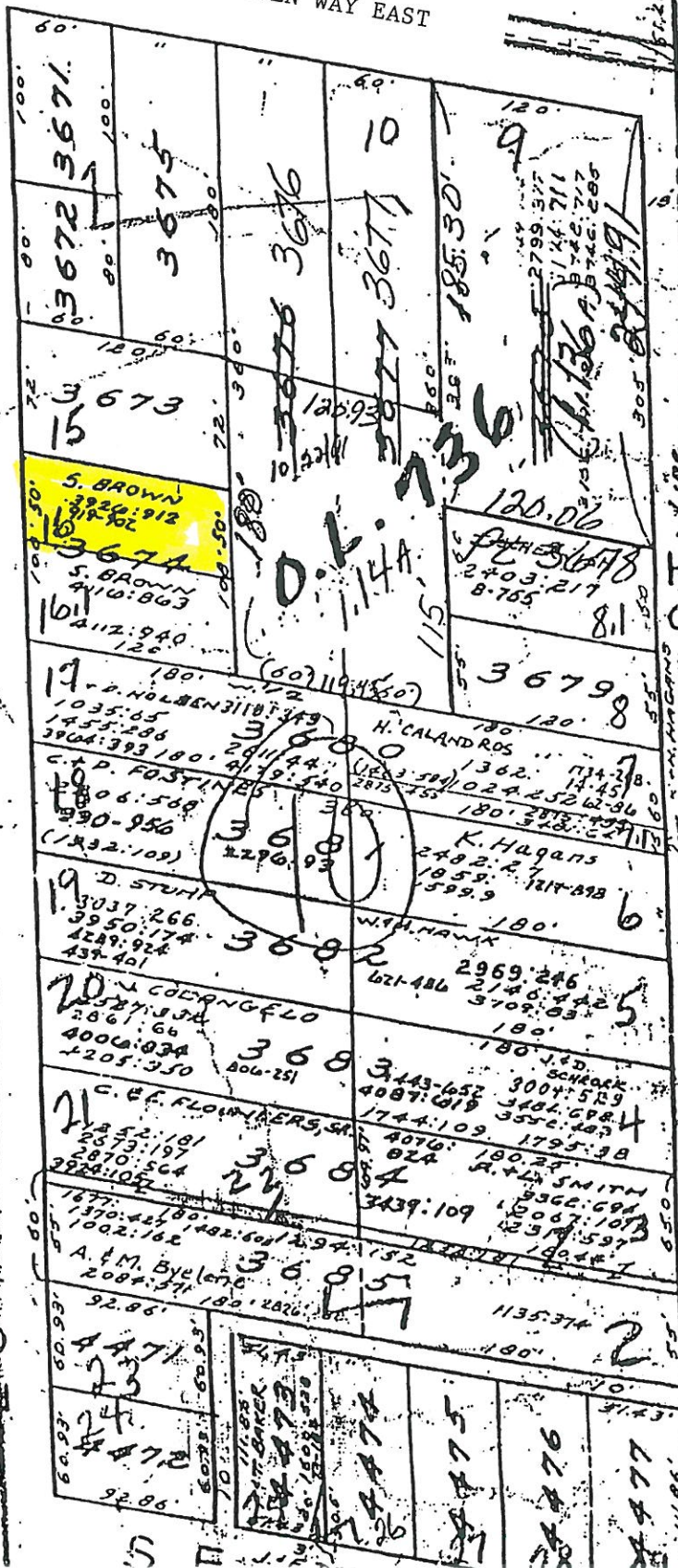
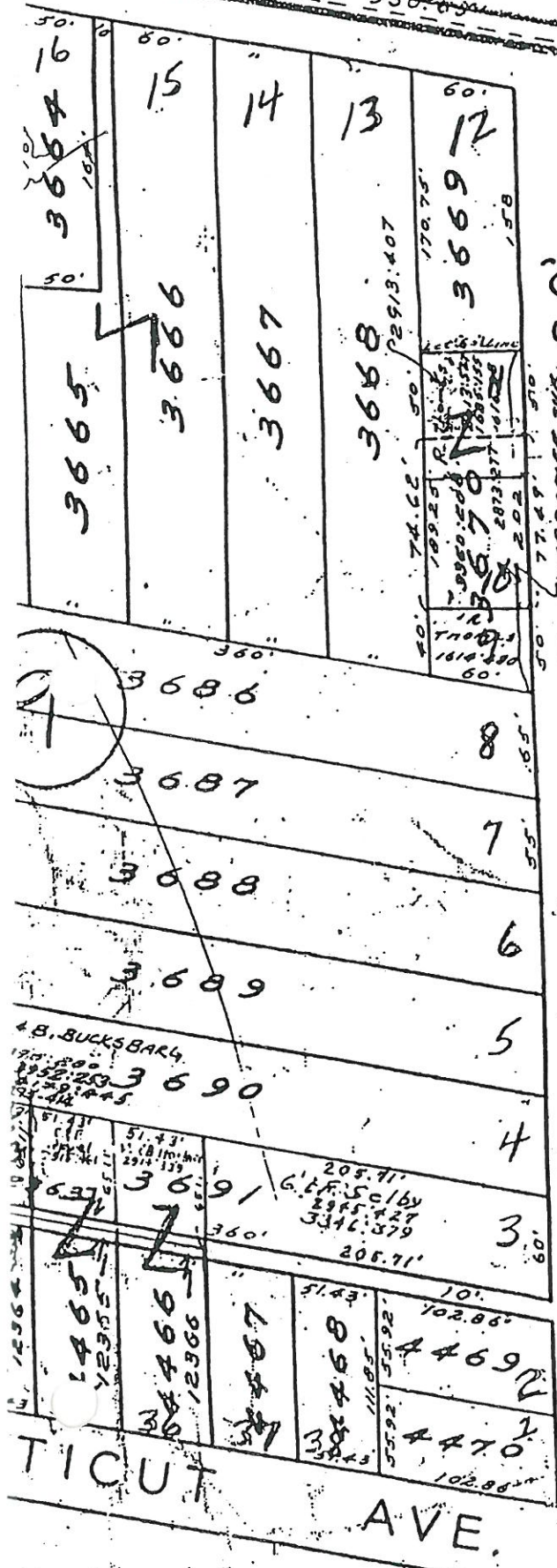
MEF/ky

641a

By S

REZONING REQUEST
PART OF LOT NO. 3674
B-1 TO R-1

LINCOLN WAY EAST



REZONING REQUEST
PART OF LOT NO. 3674
B-1 TO R-1

LINCOLN WAY EAST

25TH ST SE

26TH ST SE

27TH ST SE

CONNECTICUT

RHODE ISLAND



O. L. 80

REZONING REQUEST
OUT LOT 162 AND LOT NO. 10146
R-1 TO B-1

10140
501-153
689-354
ES 9EE

RD. 3 ST. N.W.

N.W.

J. A. FULMER
605-412; 414
579-836

10143

O.L. 164

O.L. 162

L. S. ELODY
12671
3771-639 (325A.C.)
95035710

10146

TUSCARAWAS

POUGHERS
CHIC
WATER

3050-222
411-930
412-632

REED'S INC.

NEW

S.R. 21

2696

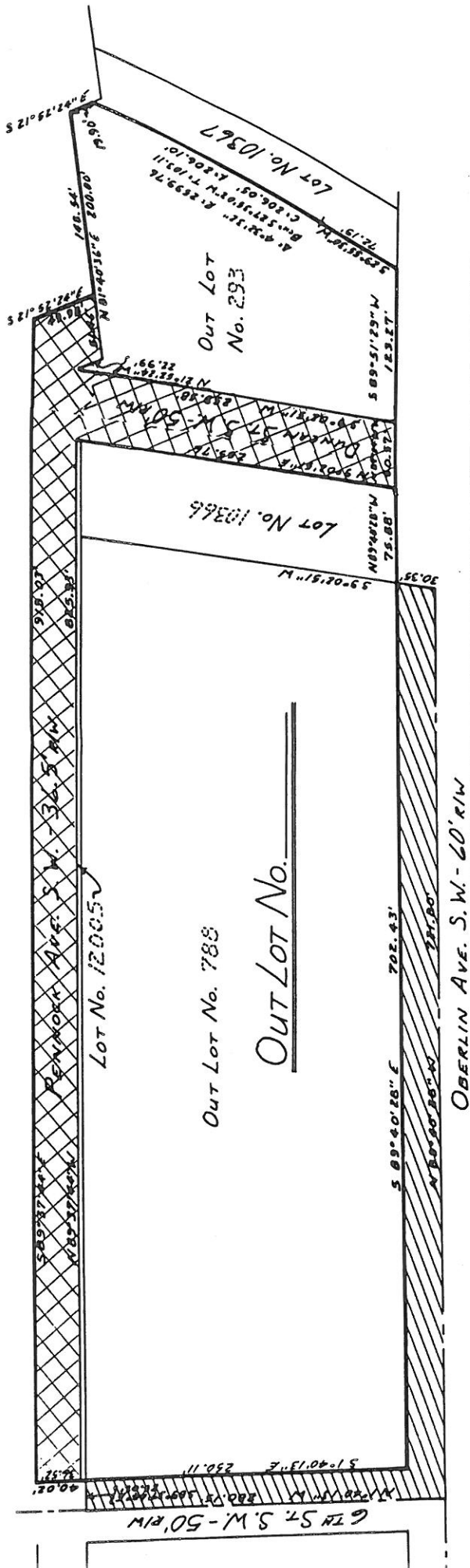
2695

LAKE

KRACKE

West line of Canal
of 800 ft. 685

FINEFROCK RD. S.W. — STATE ROUTE No. 241



STATE OF OHIO
THE STATE OF OHIO HEREBY RELINQUISHES ANY AND ALL
CLAIMS TO ANY PORTION OF THE VACATED PENNOCK
AVE. W. OR DUNCAN ST. W. AS SHOWN ON THIS PLAT.

DAVID R. DELGER DATE 10-4-99
PRINTED NAME & TITLE DISTRICT PARTY DIRECTOR

OWNERS ACKNOWLEDGEMENT
WE, THE UNDERSIGNED OWNERS OF THE LANDS SHOWN
HEREON, DO HEREBY DEDICATE THOSE LANDS AS DESIGNATED
TO PUBLIC USE FOREVER AND REPLAT OUR LANDS AS
DESIGNATED, AND THIS SIGNING IS OUR FREE ACT
AND DEED.
WITNESSES

OWNER DATE

CITY COUNCIL
ACCEPTED BY THE CITY COUNCIL OF MASSILLON, OHIO
BY ORD. NO. PASSED 1999.

PRESIDENT CLERK

CITY ENGINEER
VACATED AND REPLATTED LANDS ASSIGNED
NUMBER

CITY ENGINEER

COUNTY RECORDER
RECEIVED FOR RECORD THIS DAY OF

SURVEYORS STATEMENT
I HEREBY STATE THAT THIS IS A CORRECT PLAT OF THE STREETS TO
BE VACATED, THE LANDS TO BE DEDICATED, AND THE LANDS TO BE
REPLATTED, AND IS BASED ON EXISTING RECORDS OF THE
MASSILLON CITY ENGINEER'S OFFICE AND THE SURVEY OF
STATE ROUTE 241.

Dennis D. Fulk P.E. June 1999



10)

VACATION, DEDICATION, AND REPLAT

VACATION OF PART OF PENNOCK AVE. S.W. & PART OF DUNCAN ST. S.W.;
DEDICATION OF PART OF OBERLIN AVE. S.W. & PART OF 6TH ST. S.W.;
REPLAT OF LOT No. 12005, LOT No. 10366, OUT LOT No. 293,
PT. OUT LOT No. 788, VACATED PT. PENNOCK AVE. S.W., AND
VACATED PT. DUNCAN ST. S.W.;

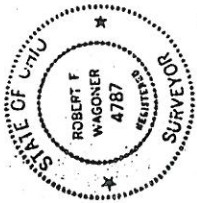
CITY OF MASSILLON, STARK COUNTY, OHIO.

DENNIS D. FULK, P.E. NO. 6176
MASSILLON, OHIO 330-837-9683

DATE: JUNE, 1999
SCALE: 1" = 60'



SURVEY OF LOTS 10052, 10053, 10054 & 10055
 IN THE CITY OF MASSILLON, STARK CO., OHIO
 SCALE 1"=50' JUNE, 1982
 BY ROBT F. WAGONER REG. SURVEYOR 4787



11/10/82
Robert F. Wagoner
Surveyor

RECEIVED

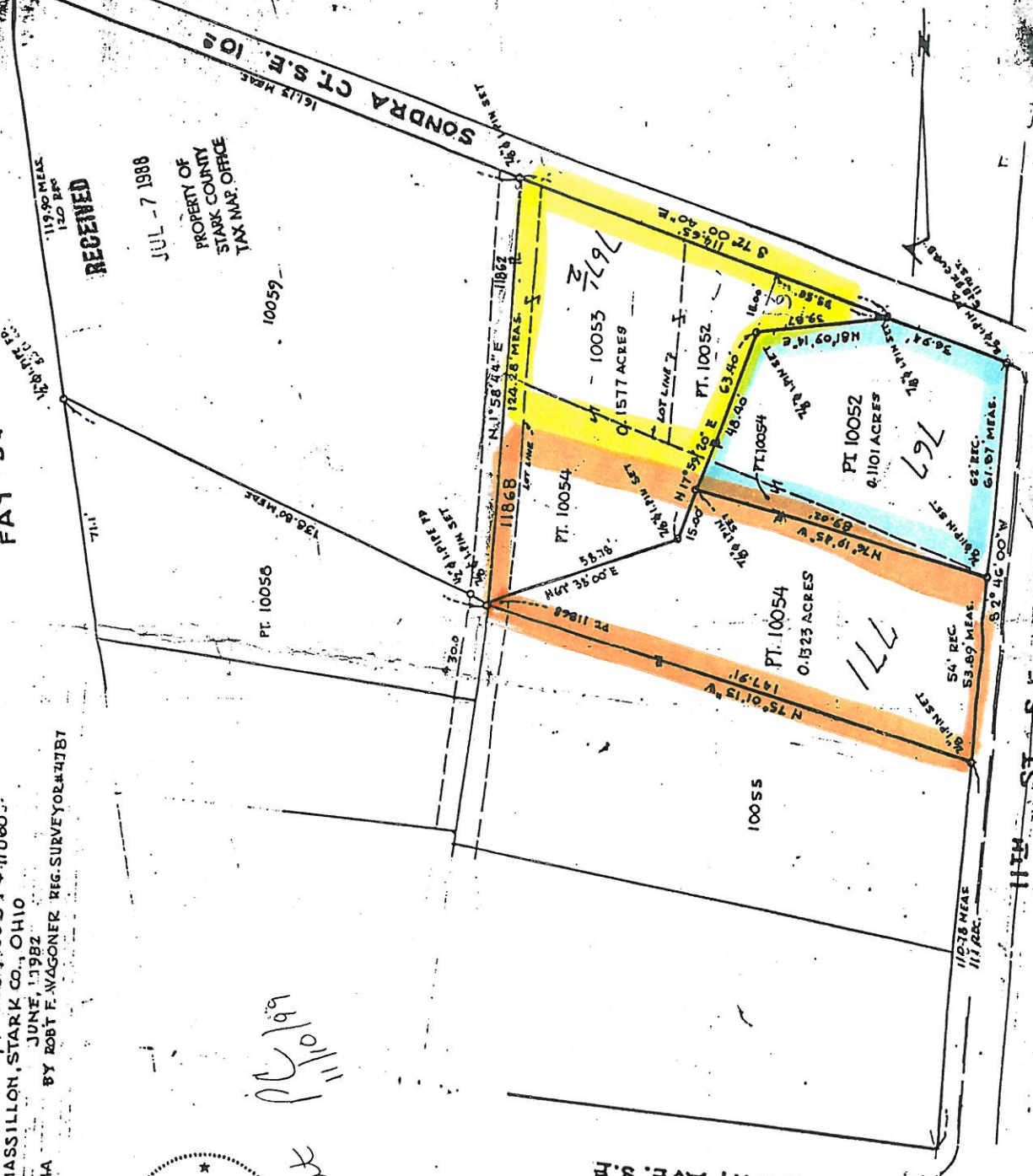
JUL - 7 1988
 PROPERTY OF
 STARK COUNTY
 TAX MAP OFFICE

FAY ST S.E. 40°

SONDRA CT S.E. 102

11th ST S.E.

BECKMAN AVE. S.E.



UNIVERSITY VILLAGE Ph. 3
LOTS 15904 THRU 15936
P.B. 66, Pgs. 107&108

15921

15930

S87°21'41"E

140.00'

15922

① LOT

95.00'

85.00'

ORIGINAL LOT LINE

S87°21'41"E

140.00'

15923

② LOT

110.00'

85.00'

ORIGINAL LOT LINE

S87°21'41"E

140.00'

15924

ORIGINAL LOT LINE

③ LOT

135.00'

85.00'

ORIGINAL LOT LINE

140.00'

15925

N87°21'41"W

SEWER

WRIGHT STATE DR.

S.E. 50'

S02°36'19"W

N02°38'19"E

S87°21'41"E

140.00'

15929

⑥ LOT

ORIGINAL LOT LINE

S87°21'41"E

140.00'

15928

⑤ LOT

ORIGINAL LOT LINE

S87°21'41"E

140.00'

15927

ORIGINAL LOT LINE

④ LOT

15926

79.68'

269.68'

N87°21'41"W

60

1" I.B. Fd
QTR. COR

REPLAT AND RENUMBERING PLAT

OF LOTS 15922 THRU 15929 IN
THE CITY OF MASSILLON, STARK COUNTY, OHIO

OCTOBER 1999

SECTION LINE

S.E. QTR.

S.W. QTR.

REPLAT - PART OF OUT LOT 321

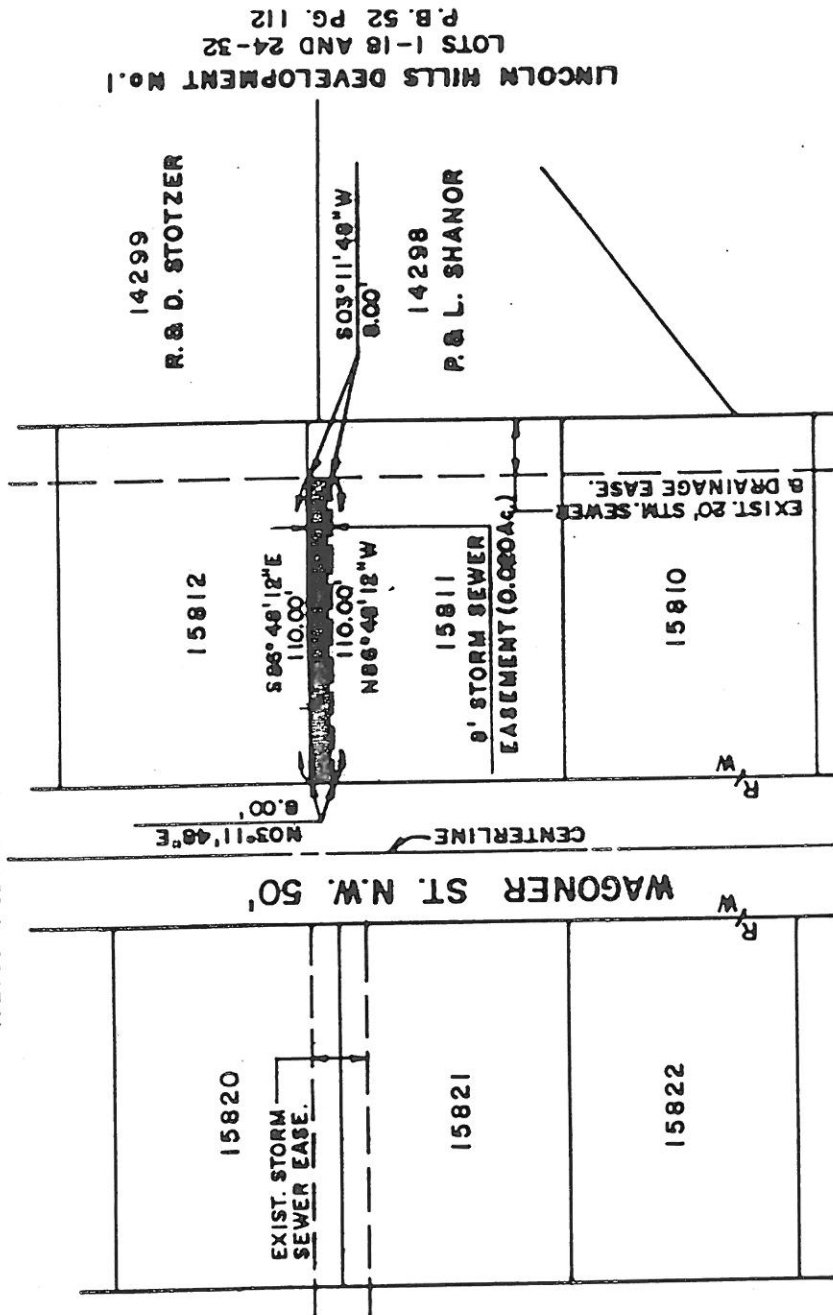
137.42
279.99
121.97
W 1/2

COOPER AVE		BERNOWAY AVE	
15		15	
40		40	
120.17		120.18	
J. 5 R		L 4 P.B. 31	
120.09		120.09	
6		5 3	
120		120	
7		1 2	
120		120	
8		1	
119.82		119.91	
269 65		269 65	
13		13	
249.30		249.30	
R. KREPPS		D. L. MICHAELS	
4296.918		1222-978	
4354.120		1222-978	
160.5.8		160.5.8	
160		160	
15		15	
COOPER AVE		BERNOWAY AVE	

LANGENBACH
PB. 14: 96-97

272.1 242.1
U. NONNO STAL.
1.860 3439:629
1.247 3692:252
1313 4175:803

LINCOLN HILLS No. 6
CITY LOT No. 15806-1, 2, 3
P.B. 66 PGS. 69-70



STORM SEWER EASEMENT PLAT
BEING PART OF LOT 15811 IN LINCOLN HILLS No. 6A
LOCATED IN THE CITY OF MASSILLON
STARK COUNTY, OHIO

FOR: EARL J. GLICK

PROJ. • 98167SE



COOPER AND ASSOCIATES, LLP
ENGINEERS AND SURVEYORS

1350 MARKET
AVENUE, NORTH
CANTON, OHIO
44714-2611

PHONE (330) 452-5731
FAX (330) 452-9110

DATE: October 18, 1999

CLERK: SHARON HOWELL

CITY OF MASSILLON, OHIO

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 203 - 1999

BY: HEALTH, WELFARE AND BUILDING REGULATIONS COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 1137 "CHANGES AND AMENDMENTS" of the Codified Ordinances of the City of Massillon, by repealing existing Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" and enacting a new Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" of CHAPTER 1137 "CHANGES AND AMENDMENTS", and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

The existing Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" of CHAPTER 1137 "CHANGES AND AMENDMENTS" of the Codified Ordinances of the City of Massillon hereby are repealed.

Section 2:

That there hereby is enacted new Section 1137.02 "Details of Procedure", Section 1137.03 "Application Fees" and Section 1137.04 "Reference and Hearing" of CHAPTER 1137 "CHANGES AND AMENDMENTS" of the Codified Ordinances of the City of Massillon. Said newly enacted Sections shall read as follows:

1137.02 DETAILS OF PROCEDURE

- (a) Applications for any change in the regulations, district boundaries, or classifications of property shall be made in the following manner:
 - (1) On the initiative of Council, which shall be by passage of a resolution that it is deemed advisable that the Planning commission investigate and study the proposed change.
 - (2) On the initiative of any property owner in the City, which request shall be accompanied by:

- (A) A completed "Application for Zoning change" form, which shall be provided by the Director of Community Development.
 - (B) A petition for zoning change signed by the owners of a majority of the properties lying within the area sought to be changed, and by the owners of a majority of all properties within **300** feet of any part of the area sought to be changed.
 - (C) A map or sketch of the area sought to be changed, and the location of such area in relation to the nearest street.
 - (D) A deposit of the fee required in Section 1137.03.
- (b) The application for zoning change petition and map shall be filled by the applicant with the Director of Community Development.
 - (c) When the Director of Community Development determines that all requirements have been satisfactorily completed and are correct, and the fee paid, he shall immediately forward the original application, petition and map to Council and forward copies of same to the Planning Commission.
 - (d) In the event the applicant is unable to obtain the signature of a majority of the property owners as required by subsection (a)(2)B, hereof, he may appear before the Planning commission and request the Planning Commission to recommend such change to Council.
 - (e) The Planning Commission shall give due consideration to any and all such requests.
 - * (f) Written notice of the Planning Commission hearing shall be mailed by the secretary of the Planning Commission, by first class mail at least twenty days (20) before the date of the public hearing to the owners of all properties lying within the area sought to be changed, and to the owners of all properties within 300 feet of any part of the area sought to be changed, to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, to the applicant, and to such others as may be specified.

1137.03 APPLICATION FEES.

At the time an application for zoning change, petition, and map are filed as provided herein, the applicant shall deposit **two hundred dollars (\$200.00)** with the Director of Community Development as a fee to cover investigation, legal notices and other related expenses incidental to the determination of such matter, such fee to be for one lot or part of one lot of record. An additional fee of ten dollars (\$10.00) shall be deposited for each additional lot of record or part of an additional lot of record which may be included in the request. Such additional lot of record or part of lot of record shall be adjacent to each other. Such sums so deposited shall be credited by the city auditor to the General Fund.

1137.04 REFERENCE AND HEARING

- (a) Action by Council shall be only after report by the Planing Commission, and after a public hearing by Council, notice of the time and place of which shall be published by the Clerk of Council at least once in a newspaper of general circulation in the city not less than thirty days (30) prior to such hearing.
- (b) Written notice of the hearing shall be mailed by the Clerk of Council, by first mail at least twenty days (20) before the date of the public hearing to the owners of all properties lying within the area sought to be changed, and to the owners of all properties within **300** feet of any part of the area sought to be changed, to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, to the applicant, the secretary of the Planning Commission, and to such others as may be specified.
- (c) During such thirty days (30), the application, map and other documents relating to such proposed change in zoning, including the recommendation and documents submitted by the Planning Commission, shall be on file for public examination in the office of the Director of community Development.

Section 3:

This Ordinance is hereby declared to be an emergency measure, the reason for the emergency being that said enactments are necessary for the more efficient operation of the Planning Commission and City Council regarding rezoning requests to the City of Massillon, Ohio, and for the additional reason for the preservation of the public health, safety and welfare of the community. And provided it receives the affirmative vote of two-thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS _____ DAY OF _____, 1999

ATTEST: _____
SHARON HOWELL, CLERK OF COUNCIL DENNIS D. HARWIG, PRESIDENT

APPROVED: _____
FRANCIS H. CICCHINELLI, JR., MAYOR