



1. *Approval of the Minutes for the Commission Meeting of November 10, 1999.*
2. *Petitions and Requests*

Rezoning Request - Warstler Annexation

Location: The east side of 27th Street, N.E., between Lincoln Way East and Elmbreeze Street. *Description:* Lots No. 16020 and 16021. *Rezoning:* From Perry Township Zoning (R-2 One and Two Family Residential) to R-T Two Family Residential. *Property Owner:* Simon Warstler.

Rezoning Request - Schoeppner Annexation

Location: The south side of Hills and Dales Road, between Wales Road and Ledgewood Blvd. *Description:* 2.235 acre parcel. *Rezoning:* From Perry Township/Jackson Township Zoning (Office-Retail) to B-3 General Business. *Property Owner:* Schoeppner Properties.

Final Plat - Country View Estates No. 3

Location: Part of Out Lot 602, located on the south side of Main Avenue West, west of 24th Street, S.W. *Total Area:* 8.906 acres. *No. of lots:* 19. *Zoning:* R-3 Single Family Residential. *Developer:* Realty Executives. *Engineer:* Hammontree & Associates Ltd.

Revisions to Final Plats - Country View Estates Nos. 1 and 2

The revisions involve changing the following street names to avoid duplication with other similar street names in the County:

Old Street Name

New Street Name

Eileen Avenue, S.W.

Linda Lane, S.W.

The Massillon Planning Commission met in regular session on November 10, 1999, at 7:30 P.M. The following were present:

Members

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

Staff

Aane Aaby
Marilyn Frazier
James Benekos
Jason Haines

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

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.

The request was presented by Mr. Aaby. This property has single family homes on both sides. Larry Kolic was present and restated his intention to build a home on the site. Mayor Cicchinelli moved for approval, seconded by Mr. Johnson, motion carried unanimously.

The next item was also a rezoning request.

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.

Mr. Aaby presented the request. This property is at the south west corner of Lake Avenue and State Route 21. Presently there are two homes which are in need of repair on the property.

Mr. Lehman was present and said he intends to refurbish the homes and use part of the property as a bicycle business to serve the Ohio Erie Canal Trail. Mayor Cicchinelli asked about the number of signatures on the petition. The reply was that it contained more than half of the property owners. Mr. Benekos commented on the flood plain issue. Mr. Johnson then moved for approval, seconded by Mr. Manson, motion carried unanimously.

The next item was a vacation dedication and replat.

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, S.W. and part of Duncan Street, S.W.
2. The Dedication of Part of Oberlin Avenue, S.W. and part of 6th Street, S.W.
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, S.W. and Duncan Street, S.W.

The property owner is Bonk's Properties. The engineer/surveyor is Dennis Fulk. Mayor Cicchinelli moved, and Mr. Bradley seconded the motion which was passed unanimously to excuse Mr. Pribich from voting on the request. After a brief discussion, Mayor Cicchinelli moved to approve, seconded by Mr. Manson, motion carried with Mr. Pribich abstaining.

The next item was a replat.

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

Location: 767, 767 ½, 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 to replat this property into 3 new lots. This request has been submitted by Lent Allen, the property owner.

Mr. Aaby presented the request. This property has been subdivided and is odd shaped. Mr. Allen lives at 771 – 11th Street, S. E., and wishes to sell the other two properties, but retain some of the land to give him a little larger lot. All of the lots are small. Mr. Manson moved for approval, seconded by Mayor Cicchinelli, motion carried unanimously.

The next item was a replat.

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 and Associates.

Mr. Aaby presented this request. University Village Phase 3 was approved earlier by the Commission and City Council. This request is to replat the 8 lots into 6 due to easements. Bryan Ashman, of Cooper and Associates, was present. He stated that two gas lines encroached into the property, thereby 2 lots were lost. The end result will be larger lots. Mr. Johnson moved for approval, seconded by Mayor Cicchinelli, motion carried.

The next item was a replat.

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, S.E., 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.

Mr. Aaby presented this request. A portion of this property is in the City and a portion outside. The home is for sale and the present owner wishes to retain the storage building at the rear. John Kurtzman, the owner's attorney, was present. He said the owner needs to sell in order to go into a different living arrangement due to health reasons. Mayor Cicchinelli moved for approval, Mr. Johnson seconded, motion carried.

The next item was a storm sewer easement plat.

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.

Mr. Aaby presented. After a brief discussion and comments by Bryan Ashman, Engineer for the project, Mr. Manson moved for approval, seconded by Mr. Bradley, motion carried.

The next item was a dedication and replat.

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, Spinghill Condominium, Inc. The engineer/surveyor is Robert P. Hoover, Hoover and Associates, Inc.

Mr. Aaby presented the request. This is a 12-acre portion of the Morelli property which is to be purchased by Mr. Day. Mayor Cicchinelli said he is concerned about the overall development of this area since this is the last large parcel vacant of land in N.E. Massillon. There was much discussion about the overall development of the area.

Wendell Edwards, 1729 Dexter Avenue, N.E., spoke in favor of the proposed development. Dale Walterhouse, 809 – 16th Street, N.E., commented that he felt more information was needed.

Mr. Pribich asked if the replat was approved does that mean the Commission has to recommend approval of a rezoning. The answer was "no". After additional discussion, Mr. Manson moved for approval, seconded by Mr. Pribich, motion carried unanimously.

The final item for the evening was a proposed zoning amendment.

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.

Mr. Aaby presented the proposed Amendment. While discussing the Amendment, the following questions arose:

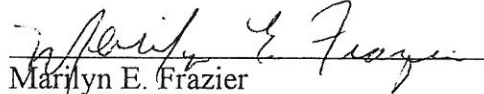
Why the notification distance for the applicants petitions should be increased from 200 to 300 ft.?

Why the application fee should be raised from \$100 to \$200? This could be unduly burdensome to a small property owner. However, the Commission would be interested in considering some type of sliding scale based on the size or the impact of a Project.

Mr. Johnson then moved to table the request and also invite the Committee members of Council to attend the next meeting in order to provide answers to these questions, Mr. Pribich seconded, motion carried.

There being no further business before the Commission, the meeting adjourned at 8:45 P.M.

Respectfully submitted,

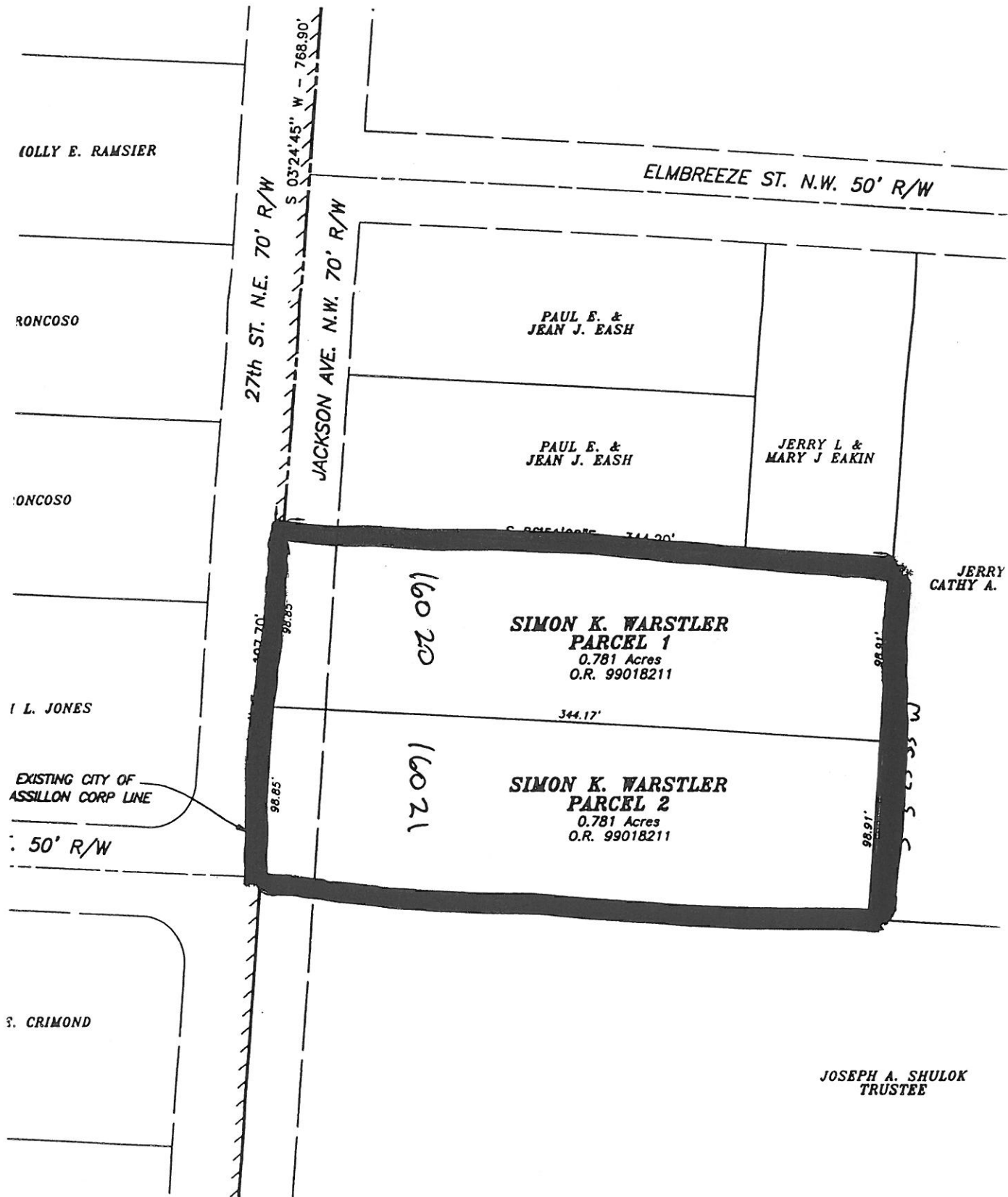


Marilyn E. Frazier
Commission Clerk

Approval:

MEF/ky

From Perry Township Zoning to Massillon
Zoning District R-T Two Family Residential



R-4

CLOVERDALE CR.

FALLEN OAK CR.

TRUNK

CR. N.E.

WILDFLOWER N.E.

R-3

DOCKWOOD

WINDOWN CR.

MILLCREEK N.E.
(PRIVATE)

27TH ST. N.

MILL RIDGE PATH N.E.

ELMBREECE

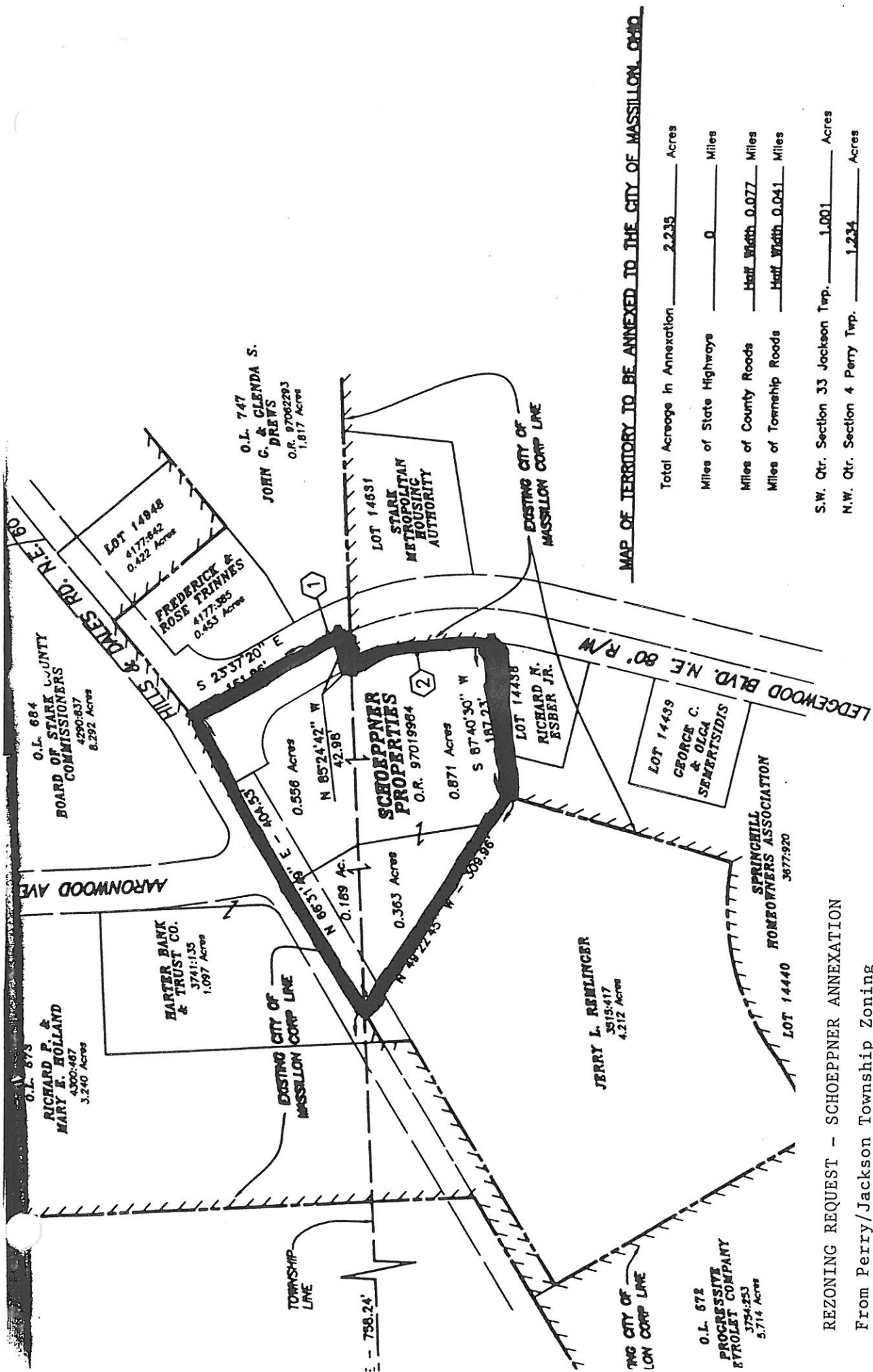
OAKVIEW

PERRY TOWN

EXISTING ZONING MAP
WARSTLER ANNEXATION

SR 172

YORK SCHOOL



MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF MASSILLON, OHIO

Total Acreage in Annexation	2.235	Acres
Miles of State Highways	0	Miles
Miles of County Roads	Half Width 0.077	Miles
Miles of Township Roads	Half Width 0.041	Miles
S.W. Qtr. Section 33 Jackson Twp.	1.001	Acres
N.W. Qtr. Section 4 Perry Twp.	1.234	Acres

REZONING REQUEST - SCHOEPPNER ANNEXATION
 From Perry/Jackson Township Zoning
 to B-3 General Business

EXISTING ZONING MAP
SCHOEPPNER ANNEXATION
REZONING TO B-3 GENERAL BUSI

The map displays a complex street layout with several named streets: WESTBURY, LENOX N.E., PROVIDENCE N.E., COVENTRY N.E., GRACPORE N.E., and MERINO. A large, stylized number '3' is prominently displayed in the center-left area. The map also shows various lot numbers and a large, dark, irregularly shaped area in the upper right corner, possibly representing a park or undeveloped land. The overall layout suggests a residential or commercial development plan.

no-2

A-3

ARM-1

TO
B-3

LENNOR N.E

PROVIDENCE

COVENTRY NE

BRACPOC



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24

1

1



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世

4

PUD



R-4

924

R-3

TWP.

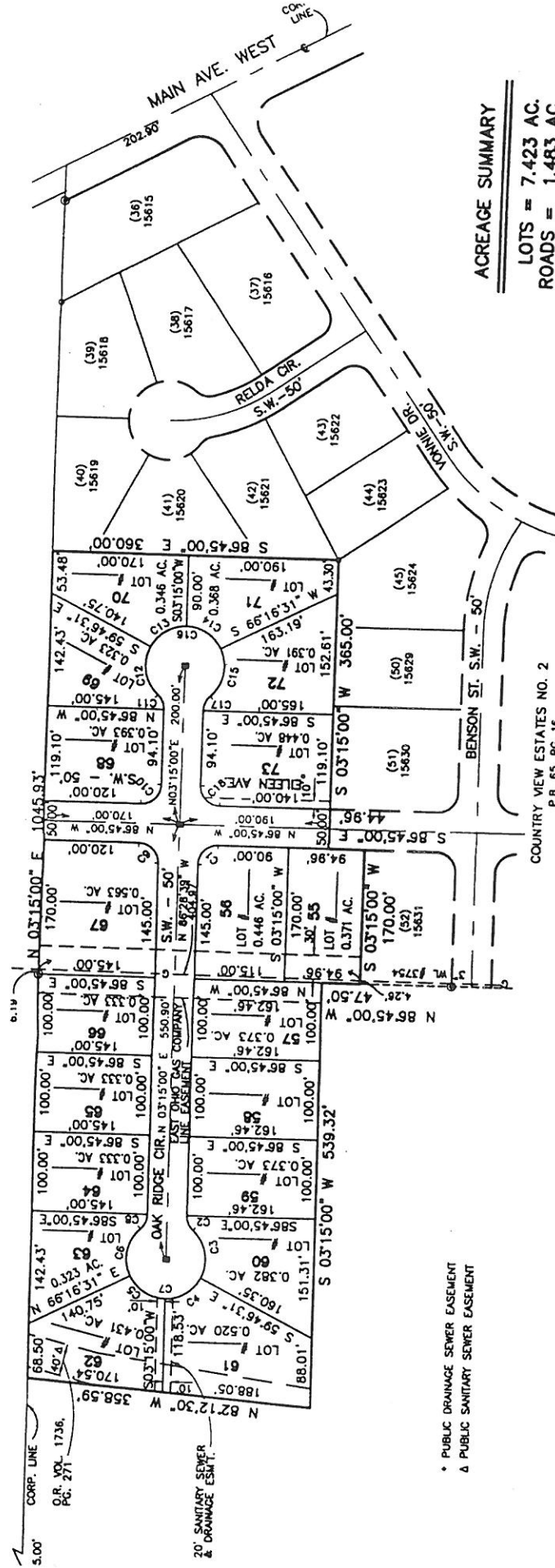
R-4

COUNTRY VIEW ESTATES NO. 3

LOCATED IN THE CITY OF MASSILLON, COUNTY OF STARK, STATE OF OHIO
AND BEING PART OF OUTLOT 602, ALSO KNOWN AS PART OF THE SOUTHWEST
QUARTER, SECTION 13 (T-12, R-10)

JUNE 25, 1999

19 LOTS



* PUBLIC DRAINAGE SEWER EASEMENT
Δ PUBLIC SANITARY SEWER EASEMENT

1
1

HAMMONTREE & ASSOCIATES, LTD.
ENGINEERS, PLANNERS, SURVEYORS
CANTON, OHIO
5233 STONEHAM ROAD, NORTH CANTON, OHIO 44720
PHONE: CANTON (330)/499-8817 AROH (330)/633-7274
TOLL FREE: 1-800-394-8817 FAX: (330)/499-0149

COUNTRY VIEW ESTATES NO. 3
FINAL PLAT

OUTLOT 602, CITY OF MASSILLON
COUNTY OF STARK AND STATE OF OHIO
DEVELOPER: REALTY EXECUTIVES

O.R. VOL. 1180, PG.469
O.R. VOL. 459, PG.642

MAIN AVE. WEST



SCALE: 1"=400'

CORP. LINE

COUNTRY VIEW
ESTATES NO. 2

P.B. 65
PG. 16

COUNTRY VIEW
ESTATES NO. 3

O.R. VOL. 1412, PG.744
OUTLOT 602

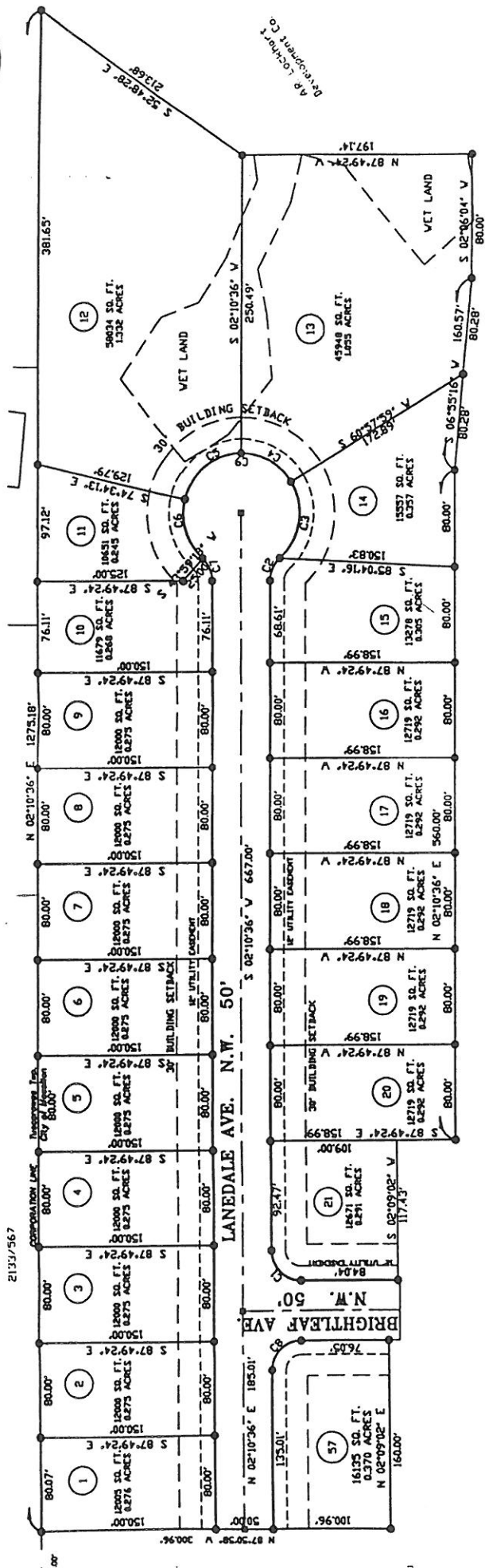
COUNTRY VIEW ESTATES NO. 1
P.B. 59, PG. 61

QTR. SEC. LINE

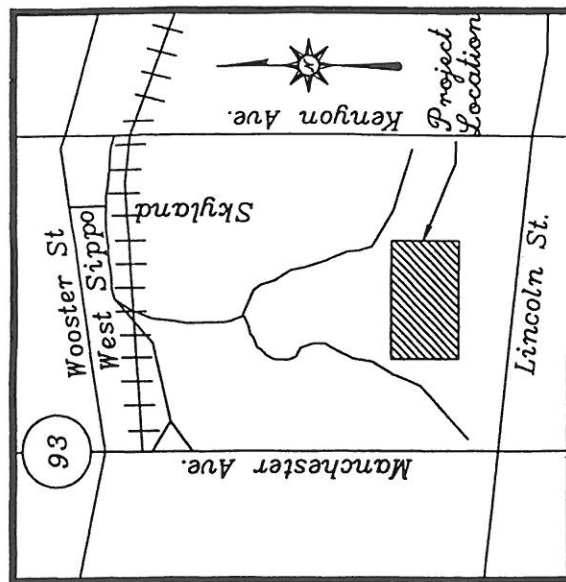
QTR. SEC. LINE

ORIGINAL DEED DESCRIPTION

2133/567



DECEMBER, 1999.



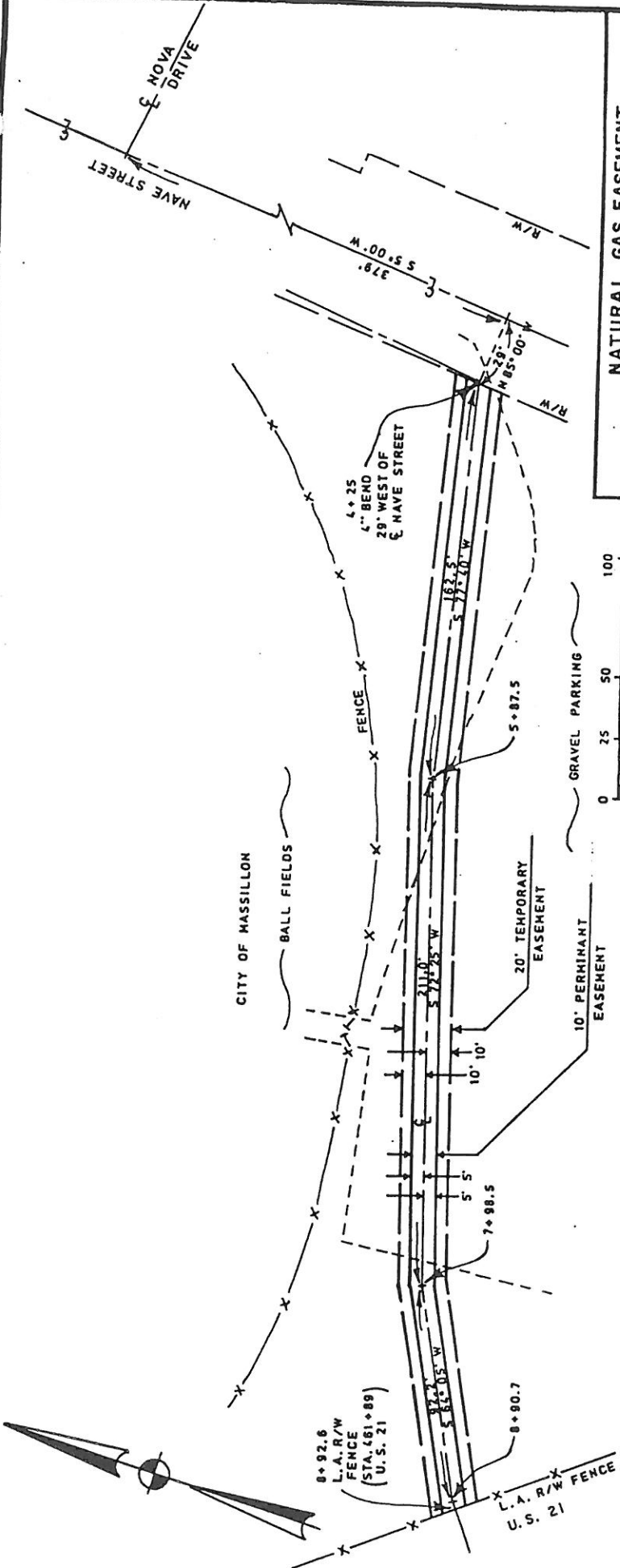
LOCATION MAP

Not to scale

West Brook Estates - Final Plat

Phase 1A - 9.397 Acres

Part of Out Lot 536



NATURAL GAS EASEMENT FOR NORTHEAST OHIO NATURAL GAS CORP.	
LOCATED IN SECTION 20, TOWNSHIP 10 OF RANGE 9, CITY OF MASSILLON, COUNTY OF STARK, STATE OF OHIO.	
OWNER: CITY OF MASSILLON	
DATE: 11/23/99	JOB No. 99113
DAVID BODO & ASSOCIATES P.O. BOX 396 CARROLLTON, OHIO 44615	
INC.	
(330)627-3639	

I HEREBY STATE THAT THIS PLAT OF SURVEY REPRESENTS THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO AS PUBLISHED IN CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE.

David John Bodo
REGISTERED SURVEYOR NUMBER 6321



THE CITY OF MASSILLON, OHIO

Internal Correspondence

To: Charles Tribett, Chairman
Health, Welfare & Bldg. Regulations Committee
From: Aane Aaby, Community Development Director

Date: November 15, 1999

Subject: Planning Commission Recommendation - Ordinance No. 203-1999

At its November 10 meeting, the City Planning Commission reviewed proposed Ordinance No. 203-1999, an ordinance that would enact new sections of Chapter 1137 "Changes and Amendments" of the City's Zoning Code. Upon discussion of the ordinance, the Planning Commission took no action, but tabled further consideration of the legislation until its upcoming December 8 meeting. In addition, the Commission has requested that I invite you and the other Committee members to attend the December meeting to review this matter.

In its review and discussion of the proposed ordinance, the Planning Commission had the following questions:

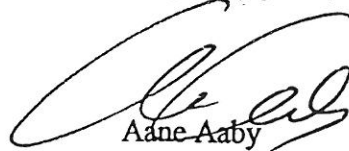
1. Section 1137.02 (a)(2)(B) - The Commission questioned why the notification distance for the applicant's petition should be increased from 200 to 300 feet.
2. Section 1137.02 (f) This new paragraph would require the Secretary of the Planning Commission to provide written notice to all property owners within 300 feet of a rezoning request 20 days prior to the Planning Commission hearing. The Commission questioned the purpose and intent of this new requirement. The Planning Commission meets once a month. Matters to go before the Planning Commission are accepted up to 6 days before a meeting. The 20 day notice requirement could result in consideration of rezoning requests being delayed until the subsequent Planning Commission meeting. The Commission feels that this one month additional delay is not necessarily a good idea and could delay an important project. The Commission feels that it would be more appropriate to require that notice be provided to the neighboring property owners at the time the Planning Commission Agenda is prepared and distributed. By way of a comparable example, the notice requirements for the Zoning Board of Appeals (Section 1129.07) do not specify a time period in which neighboring property owners have to be notified prior to a variance hearing.

3. Section 1137.03 - The Commission questioned why the application fee should be raised from \$100 to \$200. This could be unduly burdensome to a small property owner. However, the Commission would be interested in considering some type of sliding scale fee based on the size or the impact of a Project.
4. Section 1137.04 - The Commission again questioned why the notification distance for the City Council public hearing should be increased from 200 to 300 feet.

At this point, the Planning Commission has made no recommendation regarding the proposed ordinance, and as stated above, the Commission has tabled further consideration of this matter until its upcoming December 8 meeting. The Commission is inviting the Committee members and all other interested Council members to attend this meeting so that this matter can be resolved and the ordinance can go forward for a final vote.

Thank your for your consideration and review of this matter.

Very truly yours,



Aane Aaby

Community Development Director

AA:aa

cc: Jim Benekos