

A G E N D A
MASSILLON PLANNING COMMISSION
APRIL 12, 2000 **7:30 P.M.**
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of March 8, 2000.*
2. *Petitions and Requests*

Replat – 1012 9th Street, NE

Location: The southeast corner of 9th Street, NE, and Matthias Avenue, NE,
Description: Lot No. 8762 and Part of Lot No. 7559 *Total Area:* 0.110 acres. *No. of new lots:* 1 *Zoning:* R-1 Single Family Residential. *Owner:* Renee Wallace and Richard T. Martin. *Surveyor:* Hammontree and Associates, Ltd.

Dedication Plat – Permanent & Temporary Easement for Sippo Valley Trail

Location: The east side of 17th Street, NW, north of Lincoln Park
Description: Part of Out Lot 697 *Total Area:* Permanent Easement 0.2354 acres; Temporary (Construction) Easement 0.7360 acres. *Purpose:* Sippo Valley Trail
Owner/Grantor: FiberCorr Mills LLC *Engineer:* GPD Associates Ltd.

3. *Old Business*

Modification of Preliminary Plat - Lincoln Hills No. 6B

Location: The intersection of Washington St., NW, and Lee Avenue, NW, in the Lincoln Hills Allotment *Owner:* Earl Glick *Engineer:* Cooper & Associates LLP
Description of Proposed Modification: The project engineer is requesting to modify the layout of the proposed extension of Lee Avenue in a manner which would result in a one foot strip of property owned by Mr. Glick between the right-of-way of Lee Avenue and the south property lines of two parcels owned by J & D Bing and D. Kienzle. These owners are reportedly not agreeable to Mr. Glick's request to share in the cost of infrastructure improvements in front of their two parcels. This request was tabled at last month's meeting at the request of the applicant.

The Massillon Planning Commission met in regular session on March 8, 2000, at 7:30 P.M. The following were present:

MEMBERS

Mayor Francis H. Cicchinelli, Jr., Acting Chairperson
Alan Climer
Paul Manson
Thomas Seesan
Sheila Lloyd
Wendell Edwards

STAFF

Aane Aaby
Marilyn Frazier
James Benekos
Jason Haines

The first item of business before the Commission was the minutes of the February 9, 2000, meeting. Mr. Climer moved for approval, seconded by Mr. Edwards, motion carried unanimously.

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

Rezoning Request – Hankins Road, N.E.

Location: A 15.862 acre parcel located on the north side of Hankins Road, N.E., east of Wales Road
Description: Part of Out Lots 555, 509, and 345 *Rezoning:* From R-3 Single Family Residential to RM-1 Multiple Family Residential. *Purpose:* Private Condominium Development *Applicant/Owner:* William A. Day/William K. Henry.

Mr. Aaby presented the request. This property is located on Hankins Road, N.E., east of Wales Road near First Christian Church. It is owned by William Day and Springhill Condominiums. The other property in the area is zoned R-3 and R-1 Single Family Residential, RM-1 Multiple Family and O-1 Office.

William Day was present and commented that he had been in the business of building condominiums for the last ten years. In an attempt to address concerns, he has held neighborhood meetings with the residents. He has also met with Mrs. Istnick, Third Ward Councilperson and Mr. Filhour, First Ward Councilperson.

He had letters of support which he read from Guy Cicchini, Marni Bennell, Duane and Phyllis Knight, and Philip Roberson. Mr. Day then introduced George Smerigan, President of Northstar Planning and Design, Inc. Mr. Smerigan made a presentation about the proposed development. All letters of support have become a permanent part of these minutes. He considers the location ideal with Wales Road and a park being accessible. The units would be in clusters with single units being added later. Deed restriction wouldn't permit more than six units per acre and four per building. He added that Mr. Day has a fine reputation in developing this type of housing. "Being finished on four sides, these buildings look like a cluster of very large homes," he said they are aware of the concerns about the balance of the Morelli estate, but Mr. Day has no control over the balance of the Morelli estate. He also added that these are not rental units and will be an upscale Barrington Place with the choice of three designs, 1200-1500 square feet, and in the \$120,000 to \$150,000 price range.

He concluded by saying he feels the market is strong and they are prepared to move forward. Also, this is an appropriate land use and option to retain and gain citizens. Mr. Edwards asked how many single-family units would be built. The reply was that they wouldn't be built at this time.

Several people spoke in favor of the proposal. Those included: Tim Flaherty, 6135 Cedar Lane, N.W., Canton. He is Mr. Day's banker, who submitted a letter in support which will become a permanent part of the minutes. George Schmidt, 321 Elmford Avenue, S.W., Massillon, a trustee of First Christian Church. Dorothy Laubacher, Linwood S.W., Canton, said she was very excited about this and hopes it will be approved. Rev. Bragg, of Grace Community Church, was present and is in support of the project.

Ralph Ricksecker, 1117 Wales N.E., said the development looks nice but he expressed some concerns about the zoning classifications, and what could be built and who could live there. He is also concerned about water run off. Joe Berens, 1221 Wales, N.E., feels there are too many units. Dale Walterhouse, 809 16th Street, N.E., would like more overall information about plans for the area.

Paul Manson moved for approval, seconded by Wendell Edwards, motion carried unanimously.

The next item was a rezoning request.

Rezoning Request – Southwest Area Annexation

Location: A 656.47 acre parcel located on the southern end of the City towards the Village of Navarre
Description: Out Lots 830 – 850 *Rezoning:* From Perry and Bethlehem Township to I-2 General Industrial *Purpose:* Sand and Gravel Operations *Applicant/Owner:* Standard Slag Company

Mr. Aaby presented the request. The property was recently annexed and I-2 Heavy Industrial is the zoning appropriate for such an area. An attorney for Standard Slag Company expressed the company's pleasure of being a part of the City. Jim Lange, 9380 Elton Road, and Floyd Beck of Tuscarawas Township, were present and had questions about the operation. Ralph Bernard, representing Austin Square Mobile Home Park, had some concerns about buffering for the areas. Mr. Edwards moved for approval, seconded by Mr. Climer, motion carried.

The next item was a rezoning request.

Rezoning Request – Shawview Area Annexation

Location: A 2.459 acre parcel located on Shaw Avenue, N.E., west of Wray Avenue, N.E. *Description:* Out Lot 851 *Rezoning:* From Perry Township to R-1 Single Family Residential *Purpose:* Residential Subdivision *Applicant/Owner:* A.J. Diana & Sons, Inc.

This request was also presented by Mr. Aaby. This property was annexed from Perry Township. Mr. Diana was present. This is the second phase and he intends to add a third phase. Mr. Climer moved for approval, seconded by Mr. Seesan, motion carried unanimously.

The next item was a final plat.

Final Plat – Country Estates No. 4

Location: The south side of Eileen Avenue, S.W., at the Kelly Street, S.W., intersection.
Description: Part of Out Lot 602. *No. of new lots:* 2 (0.446 acres and 0.551 acres).
Zoning: R-3 Single Family Residential *Owner:* JEEDS.LLC *Developer:* Realty Executives
Surveyor: Hammontree and Associates, Ltd.

Mr. Aaby presented this request. Two of the lots are a little larger due to a gas line easement. Mr. Manson moved to approve the final plat, seconded by Mr. Edwards, motion carried, unanimously.

The next item was a replat.

Replat – Morelli Property Tract IV

Location: The north side of Hankins Road, N.E., between Wales Road and Valerie Avenue, N.E.
Description: Part of Out Lots 345, 509 and 555. *Total Area:* 7.558 acres *No. of new out lots:* 1
Zoning: R-3 Single Family Residential *Owner:* Morelli Estate *Surveyor:* Hoover and Associates, Inc.

Mr. Aaby presented this request. This area is to be developed by Grace Community Church. Rev. Bragg of the Church was present and spoke of their plans. Mayor Cicchinelli moved to accept the replat and dedication, seconded by Mrs. Lloyd, motion carried.

The next item was a replat.

Replat – 311 North Erie Street

Location: 311 North Erie Street *Description:* Lots No. 13472 and 13473 *Total Area:* 0.938 acres
No. of new lots: 1 *Zoning:* B-3 General Business *Owner:* Ronald C. Cordry
Surveyor: Gerald C. Geib

Mr. Aaby presented the request. Mr. Manson moved for approval, seconded by Mr. Seesan, motion carried.

The next item was a replat.

Replat – 1135 Wales Road, N.E.

Location: 1135 Wales Road, N.E. *Description:* Lot No. 7496 and Parts of Lots No. 7495 and 7497
Total Area: 1.03 acres *No. of new lots:* 2 *Zoning:* R-3 Single Family Residential *Owner:* K. Hudak
Surveyor: Campbell and Associates

Mr. Aaby presented the request. Mr. Edwards moved for approval, seconded by Mr. Climer, motion carried.

The next item was a replat.

Replat – Stanton Avenue, N.W.

Location: The south side of Stanton Avenue, N.W., between 24th and 25th Streets, N.W.
Description: Lots No. 3831 and 3832 *Total Area:* 0.505 acres *No. of new lots:* 2 *Zoning:* R-1 Single Family Residential *Owner:* Ted Dailey

Mr. Aaby presented the request. Mr. Edward moved for approval, seconded by Mrs. Lloyd, motion carried.

The next item was a dedication plat.

Dedication Plat – Sanitary Sewer Easement for Massillon Marketplace

Location: The northwest corner of State Route 21/U.S. 30 intersection

Description: Part of Out Lot 813 *Total Area:* 0.802 acres *Purpose:* Sanitary Sewer Easement
Owner: Deville-THF Massillon Development LLC *Engineer:* Hammontree & Associates Ltd.

Mr. Aaby presented the request. Mr. Edward moved for approval, seconded by Mr. Climer, motion carried.

The next item was a Modification of Preliminary Plat.

Modification of Preliminary Plat – Lincoln Hills No. 6B

Location: The intersection of Washington St., N.W., and Lee Avenue, N.W., in the Lincoln Hills Allotment *Owner:* Earl Glick *Engineer:* Cooper & Associates LLP *Description of Proposed Modification:* The project engineer is requesting to modify the layout of the proposed extension of Lee Avenue in a manner which would result in a one foot strip of property owned by Mr. Glick between the right-of-way of Lee Avenue and the south property lines of two parcels owned by J & D Bing and D. Kienzie. These owners are reportedly not agreeable to Mr. Glick's request to share in the cost of infrastructure improvements in front of their two parcels.

This item was tabled.

The final item was a dedication plat.

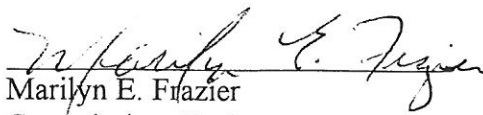
Dedication Plat – Indian River Road

Location: Indian River Road, west of Erie Street, S.W. *Description:* Part of Out Lots 536, 538 and 813. *Total Area Dedicated:* From Out Lot 536 – 0.443 acres; from Out Lot 538 – 0.984 acres; from Out Lot 813 – 0.163 acres. *Owner:* City of Massillon and Deville-THF-Massillon Development LLC.

Mr. Aaby presented the request. This plat will dedicate additional right-of-way for Indian River Road serving Massillon Marketplace Development. Mr. Edwards moved for approval, seconded by Mr. Climer, motion carried unanimously.

There being no further business before the Commission, the meeting adjourned at 9:35 P.M.

Respectfully submitted,


Marilyn E. Frazier
Commission Clerk

Approval:

GUY M. CICHINI

March 6, 2000

Mayor Francis Cicchinelli
One James Duncan Plaza
Massillon, Ohio 44646

Dear Mayor Cicchinelli:

Unfortunately, I will not be able to attend the scheduled Planning Commission meeting and Public Hearing set to discuss the proposed re-zoning of 15 acres on Hankins Road, from R-3 to RM-1 multi-family residential.

As you probably know, my residence is adjacent to the Morelli property to the south. Over 1400 feet of my south line coincides with 1400 feet of the north line of the Morelli property. Therefore, I am quite concerned about the development of the property to the south.

This letter is to voice my full support of William Day's proposed re-zoning and condominium development intentions. Mr. Day met with me for over an hour on Saturday, March 4th, to discuss his plans for the 15 acre parcel up for re-zoning.

By the use of pictures, maps, and sketches, Mr. Day portrayed the style of condominium homes which he intends to build and the site plan which he intends to follow.

I strongly believe that Mr. Day's intended plan will be well received and an asset to the immediate neighborhood and to Massillon as a whole.

I have known William Day for over 15 years. I am familiar with his development record and have full faith that he will be successful and honorable in carrying out his intended development plan.

I would appreciate it if you could have this letter read into the minutes of the Planning Commission public hearing on March 8th, and at the Public Hearing, when set by the Massillon City Council. Thank you.

Sincerely,



Guy M. Cicchini

TO WHOM IT MAY CONCERN:

March 8, 2000

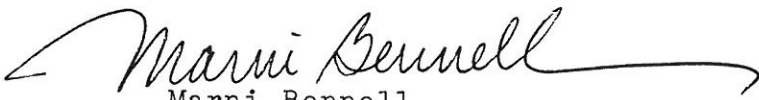
My property and residence, located at 1712 Hankins Road, NE, is not directly adjacent to the Morelli Estate acreage. However, access to my home is by a lane which crosses over the Morelli property.

Naturally, I have always been concerned about possible development around my land. In the past, I have spoken out against commercial development as well as against a proposed oil and gas well on the Morelli property.

Realizing now that development is inevitable, I am in support of William Day's plan for luxury condominium units which would require a zoning change from R-3 to RM-1.

I am satisfied that it would be an attractive addition to the neighborhood and would most likely enhance property values. I ask only that you carefully consider the appropriate density of these units to make sure that the 15-acre tract is not overbuilt.

Thank you.


Marni Bennell

March 8, 2000

Mr. William Day
5227 Galway Circle NW
N. Canton, Ohio 44720

SUBJECT: PRIVATE CONDOMINIUM DEVELOPMENT ON HANKINS ROAD

Dear Bill:

We appreciate the open house which you conducted February 21, 2000. We own property across the street from this project and feel this will be good for the area.

We will be out of town this evening for the session planned with the Massillon City Planning Commission. We wanted you to know we support this project.

Sincerely
Duane Knight
Phyllis Knight
Duane and Phyllis Knight
811 Woodview Dr. NE
Massillon, Ohio 44646

GUY M. CICHINI

March 6, 2000

Mayor Francis Cicchinelli
One James Duncan Plaza
Massillon, Ohio 44646

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By the use of pictures, maps, and sketches, Mr. Day portrayed the style of condominium homes which he intends to build and the site plan which he intends to follow.

I strongly believe that Mr. Day's intended plan will be well received and an asset to the immediate neighborhood and to Massillon as a whole.

I have known William Day for over 15 years. I am familiar with his development record and have full faith that he will be successful and honorable in carrying out his intended development plan.

I would appreciate it if you could have this letter read into the minutes of the Planning Commission public hearing on March 8th, and at the Public Hearing, when set by the Massillon City Council. Thank you.

Sincerely,



Guy M. Cicchini

AFFIDAVIT IN SUPPORT

The undersigned, Philip Roberson, hereby makes the following statements under oath:

1. Philip Roberson is the owner of a residence containing approximately twelve (12) acres of land contiguous to the Massillon Museum and close to the sixty (60) acres of undeveloped real property owned by the Estate of Knute Morelli ("Morelli Estate"); and
2. Bill Day and Springhill Condominiums, Inc., are developing a condominium project containing approximately ten (10) acres along Hankins Road on real property which is part of the Morelli Estate; and
3. The undersigned met with Bill Day to understand and review his condominium project seeing pictures of his design and materials to be used for construction as well as reviewing the proposed site plan; and
4. Bill Day is a conscientious developer who has developed other projects including Barrington Woods across from Glenmoor and Baybury Woods in North Canton, Ohio; and
5. The undersigned believes that Bill Day's construction of condominium units on the Hankins Road site would be beneficial to the Massillon community as the condominiums are very attractive and would compliment the area and would provide quality residential condominiums for seniors within the Massillon community; and
6. The undersigned believes this project would be beneficial to the Massillon community and intends to support this project.

Further Affiant sayeth naught.


Philip Roberson

RECEIVED
E 3-8-00 - 2:15

STATE OF OHIO, STARK COUNTY, SS:

Before me, a Notary Public in and for said County and State, personally appeared the above-named **PHILIP ROBERSON**, who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Mumillon, Ohio, this 8th day of March, 2000.

Trey A Moore
Notary Public

TRACY A. MOORE, Notary Public
Stark County, Ohio
My Comm. Expires 03/08/05
Notary Seal # 123456789

FirstMerit Bank, N.A.

4455 Hills and Dales Rd. NW, Canton, Ohio 44708

TIMOTHY J. FAHERTY
Vice President
Commercial Real Estate



March 8, 2000

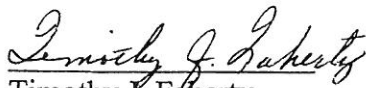
Mr. William A. Day
5277 Galway Circle NW
North Canton, OH 44720

Dear Bill,

You may enter this letter if you wish at your zoning hearing on Wednesday, March 8, 2000. As your Banker, I can assure those who may question your product or your ability to deliver what you say. I can confirm that in our relationship you have always done exactly what you have said, and most generally better than anticipated.

As you know I am condominium homeowner myself, and my condominium is located next to Barrington Place, which was your initial condominium community. It is my hope that every single family homeowner could or would follow in the steps of Barrington Place in regards to appearance, neatness and general conditions.

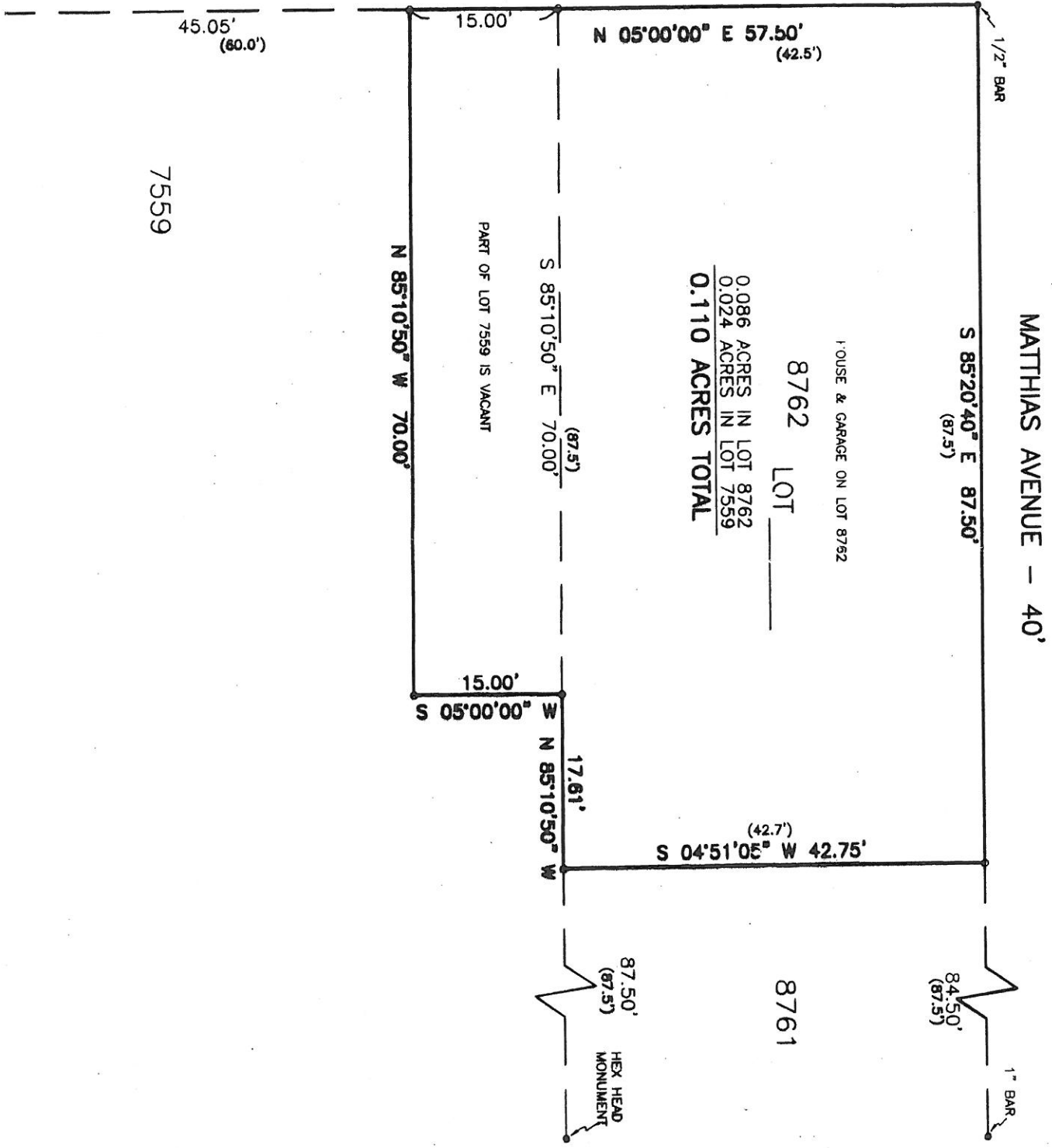
Sincerely,


Timothy J. Faherty
23.

TJF/dz



9th STREET N.E. - 40'



H. J. H. & ASSOCIATES, LTD.
ENGINEERS, PLANNERS, SURVEYORS

CANTON PITTSBURGH AKRON
520 STONEHAM ROAD, NORTH CANTON, OHIO 44720
PHONE CANTON: (330)/499-8817 AKRON: (330)/633-7274
TOLL FREE: 1-800-394-8817 FAX: (330)/499-0149

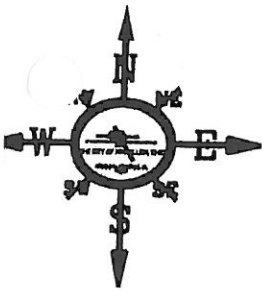
REPLAT

0.110 ACRE TRACT
ALL OF LOT 8762 AND PART OF LOT 7559 IN THE CITY
OF MASSILLON, COUNTY OF STARK, STATE OF OHIO

MASSILLON CITY PARK SYSTEM

ARCH 2000

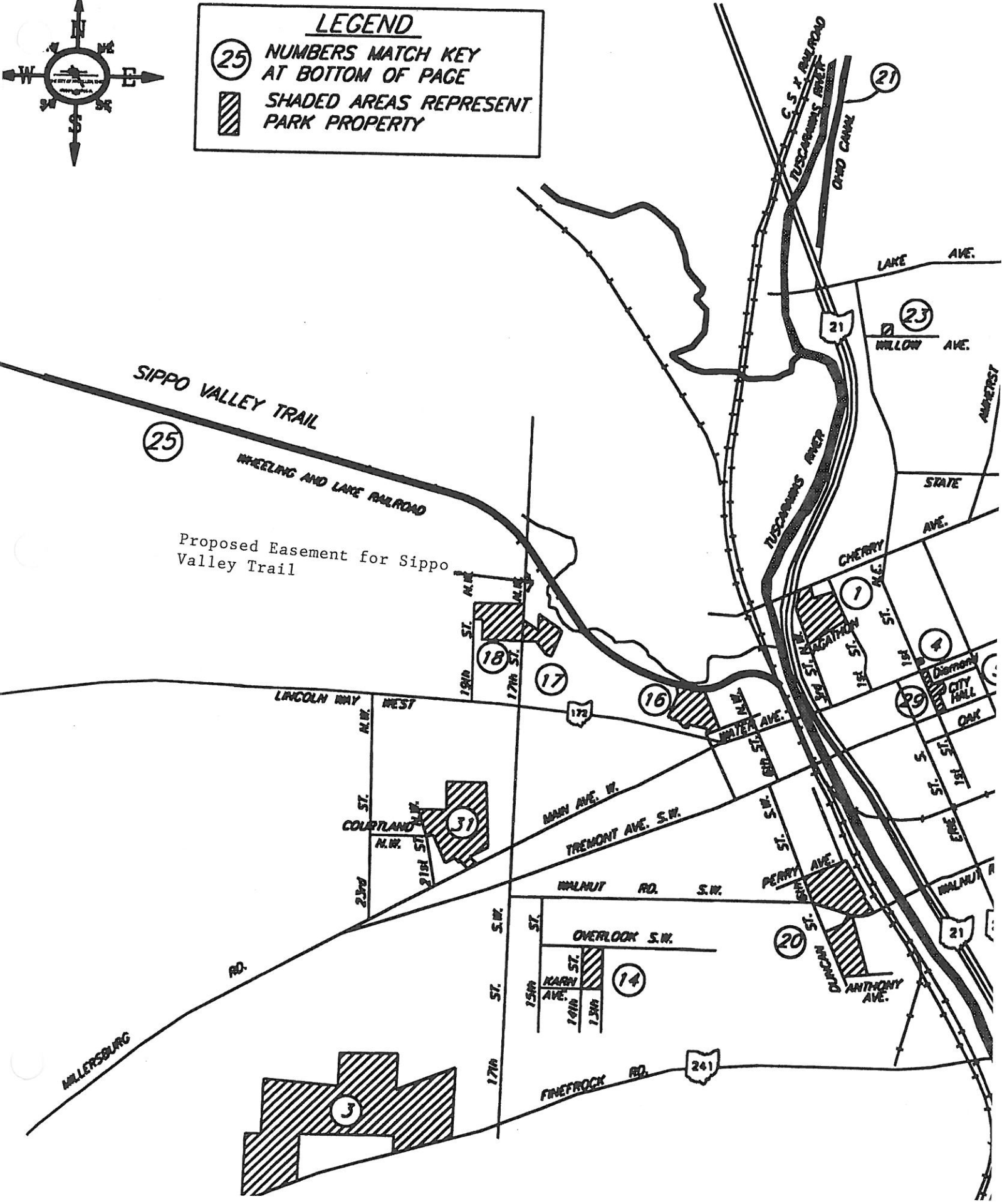
DRAWN BY: J. HAINES



LEGEND

(25) NUMBERS MATCH KEY AT BOTTOM OF PAGE

 SHADED AREAS REPRESENT PARK PROPERTY



COOPER & ASSOCIATES, LLP

FAX TRANSMITTAL SHEET

****PLEASE DELIVER THESE PAGES IMMEDIATELY****

TO: City of Massillon - Planning Commission
ATT: Aane Aaby
FAX # 830-1786

COPY TO:
Earl Glick fax = 833-4888

FROM: Bryan J. Ashman
DATE: March 3, 2000
REF: Lincoln Hills No. 6B

NUMBER OF PAGES 3 (INCLUDING COVER PAGE)

DETAIL REMARKS:

On behalf of the Owner/Developer, Mr. Earl Glick, this office is requesting permission to make a presentation to, and ask for a determination from, the City of Massillon Planning Commission with respect to the following item (attached find a copy of the applicable portion the Preliminary Plat for the subject property [as per the approved Preliminary Plat and adjusted as proposed]):

1. Mr. Glick wishes modify the layout of the proposed extension of Lee Avenue in a manner which would result in a 1'± strip of property owned by Mr. Glick between the north R/W of Lee Avenue and the south property lines of the two parcels owned by J & D Bing and D. Kienzle
 - This office has been informed that the owners of the two parcels are not agreeable to Mr. Glick's request for their sharing in the cost of infrastructure improvements in front of their two parcels or his request to purchase the subject property.

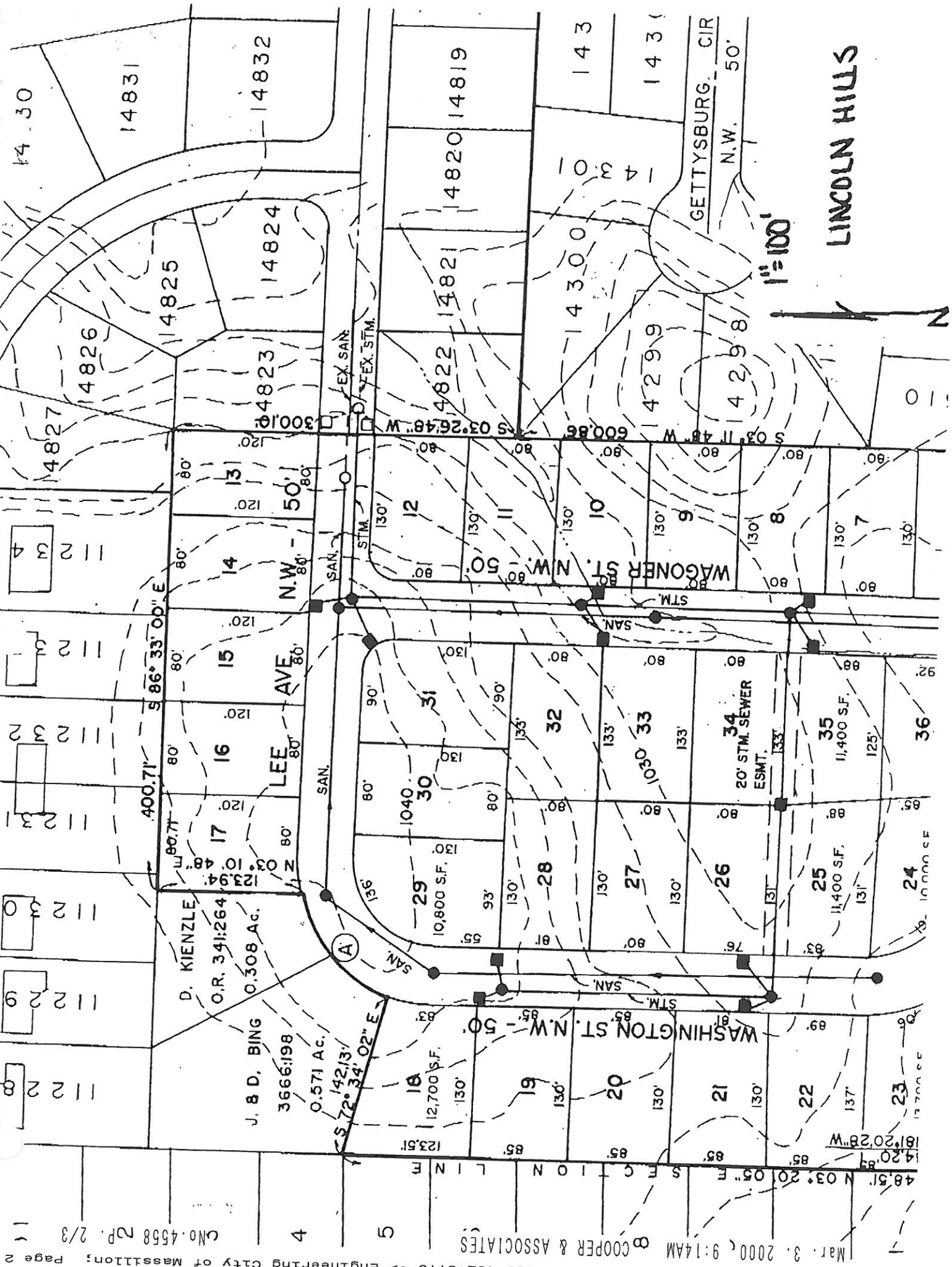
Please include the above request on the agenda for your next Planning Commission meeting which is scheduled for March 8, 2000.

This office is not aware of any City regulations preventing the construction of the roadway in the above described manner, and we ask that the Planning Commission approve of this request. If approved, the proposed roadway plans and Record Plat for Lincoln Hills Allotment No. 6B would be adjusted accordingly.

If you have any questions, or require additional information, contact this office.

Cooper & Associates, LLP
1359 Market Avenue North; Canton, Ohio 44714
tel (330) 452-5731 fax (330) 452-9110

Project File : 00131F1.DOC



LINCOLN HILLS

1"=100'

GETTYSBURG CIR
N.W. 50'

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LINCOLN HILLS
 PROPOSED ADJUSTMENT

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No. 4558 P. 3/3

1"=50'

