

**A G E N D A**  
**MASSILLON PLANNING COMMISSION**  
**JANUARY 10, 2001                      7:30 P.M.**  
**MASSILLON CITY COUNCIL CHAMBERS**

1. *Approval of the Minutes for the Commission Meeting of December 13, 2000.*
2. *Election of Officers for 2001*
3. *Petitions and Requests*

**Re-Plat – 2623 Harold Avenue, S.E.**

*Location and Description:* Lot No. 6909 and Part of Lots No. 6908, 6910, and 6920, located north of Harsh Avenue SE, between 26<sup>th</sup> and 27<sup>th</sup> Streets SE; the request is to replat these 4 parcels into one lot. *Present Zoning:* R-1 Single Family Residential. *Owner:* Michael Hartmann.

**Re-Plat – 927 3<sup>rd</sup> Street, N.E.**

*Location and Description:* Lots No. 7705 and 7706, located on the west side of 3<sup>rd</sup> Street NE, north of Mader Court NE; the request is to replat these 2 parcels into one lot. *Present Zoning:* R-1 Single Family Residential. *Applicant:* Charles and Cynthia Bratton.

4. *Other Business*

**Proposed Amendment to City Subdivision Regulations**

Councilman Glenn Gamber, Chairman of the Council Community Development and Annexation Committee, is requesting the Commission to consider an amendment to the Subdivision Regulations requiring the developer to install underground utilities in all new allotments. See attached.

The Massillon Planning Commission met in regular session on December 13, 2000, in Massillon City Council Chambers. The meeting was called to order by Vice Chairman Rev. David Dodson at 7:45 P.M. The following were present:

**Members**

Rev. David Dodson, Vice Chairman  
Mayor Francis H. Cicchinelli, Jr.  
James Johnson  
Paul Manson  
Sheila Lloyd  
Alan Climer, Safety Service Director

**Staff**

Aane Aaby  
Marilyn Frazier  
James Benekos  
Jason Haines

The first item of business was the approval of the minutes for the Commission meeting of November 8, 2000. Mr. Manson noted that he was in attendance at that meeting although his name wasn't listed. Mr. Johnson moved for approval with the correction, seconded by Mayor Cicchinelli, motion carried.

The next item of business was a rezoning request.

**Rezoning Request – First Street, N.E.**

*Location and Description:* Out Lot 867, a 1.5918 acre parcel located on the east side of First Street, NE, north of Gail Avenue NE. *Zone Change Requested:* From R-2 Single Family Residential to RM-1 Multiple Family Residential. *Proposed Use:* Construction of nursing home and assisted living facility.  
*Applicant:* Massillon Real Estate Holdings LLC.

This request was presented by Mr. Aaby. Massillon Real Estate Holdings LLC, owners of Amherst and Meadows Apartments, will combine this property with other property they own in the area to construct a nursing home and assisted living facility. Steve Greenberg, a partner of the company, was present and commented that he felt it would be a compatible use for the area. After a brief discussion, Mr. Johnson moved for approval, seconded by Mayor Cicchinelli, motion carried.

The next item was a rezoning request.

**Rezoning Request – Flad Area Annexation**

*Location and Description:* Part of Lot 16065, a 2,932 sq. ft. parcel located on the west side of Elizabeth Avenue SE (at the rear of 340 27<sup>th</sup> Street SE). *Zone Change:* From Perry Township to R-1 Single Family Residential. *Present Use:* Existing Garage.

Mr. Aaby presented the request. Part of the owners property is inside the city limits and part of it outside. This rezoning results in all of the property being inside Massillon City limits. Mr. Manson moved for approval, seconded by Mayor Cicchinelli, motion carried.

The next item was a rezoning request.

**Rezoning Request – Kenyon Creek Annexation**

*Location and Description:* Out Lot 872, a 47.005 acre parcel located on the south side of Wooster Road NW between Deermont Avenue NW and Kenyon Avenue NW. *Zone Change:* From Tuscarawas Township to R-1 Single Family Residential. *Proposed Use:* Residential Allotment.

Mr. Aaby presented the request. This property was recently annexed into the city. Pete Kapadia was the representative. Mr. Johnson moved for approval, seconded by Mayor Cicchinelli, motion carried.

The next item was a rezoning request.

#### **Rezoning Request – Legends Golf Course Expansion Annexation**

*Location and Description:* Part of Out Lot 869, a 10.111 acre parcel located on the south side of Richville Road SE, east of Huron Road SE. *Zone Change:* From Perry Township to R-3 Single Family Residential.

*Present Use:* Legends Golf Course Expansion

Mr. Aaby presented the request. Mayor Cicchinelli abstained due to the proximity of this property to his home. This property was annexed from Perry Township and is the site of the nine-hole expansion of the golf course. Mr. Johnson moved for approval, seconded by Mr. Climer, motion carried.

The next item was a final plat.

#### **Final Plat – Autumn Ridge Estates Phase IV**

*Location and Description:* Part of Out Lot 502, located between 29<sup>th</sup> Street, NW and Ford Street NW. *Total Area:* 8.400 acres. *No. of Lots:* 24. *Zoning:* R-2 Single Family Residential. *Streets To Be Dedicated:* Autumnal Avenue NW. *Owner/Developer:* D.W.P. *Engineer:* Nalex Engineering, Inc.

Mr. Aaby presented the request. This is the fourth phase of Autumn Ridge Estates. These lots exceed the requirements. Mr. Benekos commented that the Engineer's office has reviewed the plans and found everything to be in order. Mayor Cicchinelli moved for approval, seconded by Mr. Manson, motion carried.

The next item was a final plat.

#### **Final Plat – Autumn Ridge Estates Phase V**

*Location and Description:* Part of Out Lot 502, located between 29<sup>th</sup> Street NW and Ford Street NW. *Total Area:* 2.816 acres. *No. of Lots:* 8. *Zoning:* R-2 Single Family Residential. *Streets To Be Dedicated:* Davis Circle NW. *Owner/Developer:* D.W.P. *Engineer:* Nalex Engineering, Inc.

Mr. Aaby presented the request. These lots exceed requirements also. Mr. Manson moved for approval, seconded by Mr. Johnson, motion carried.

The next item was a preliminary plat.

#### **Preliminary Plat – Kenyon Creek Allotment**

*Location and Description:* Out Lot 872 located on the south side of Wooster Road NW between Deermont Avenue NW and Kenyon Avenue NW. *Total Area:* 47.005 acres. *No. of Lots:* 135. *Zoning:* Proposed R-1 Single Family Residential. *Owner/Developer/Engineer:* A.R. Lockhart Development Co.

Mr. Aaby presented the request. Access to most of these properties will be from Kenyon Avenue NW. Most comply with R-1 Single Family requirements. Jason Haines commented that all lots meet zoning requirements as far as frontage. There are some concerns about drainage, wet land, and gas wells. A variance may be forthcoming. Pete Kapadia was present and commented that they were agreeable with making necessary changes. Mayor Cicchinelli moved for approval, seconded by Mr. Johnson, motion carried.

The next item was a re-plat.

**Re-Plat - Grand Mill Centre**

*Location and Description:* Lots No. 125, 126, 127, and 11593, located on the northeast corner of Lincoln Way East and First Street NE; the request is to re-plat these parcels into one lot for the proposed new Grand Mill Centre office complex. *Present Zoning:* B-2 Central Business District. *Owner:* R. G. Wild, Inc.

Mr. Aaby presented the request. This is the site of the former J. C. Penney Co. This re-plat is needed for financing purposes. Mr. Putnam called and said he wouldn't be able to attend but would like the item to be heard. Mr. Johnson moved for approval, seconded by Mr. Climer, motion carried.

The next item was also a re-plat.

**Re-Plat - Cleveland Street SW**

*Location and Description:* Lots No. 4187, 4188, 4189, 4190, and 4191, located on the east side of Cleveland Street SW, south of McKinley Avenue SW; the request is to re-plat these five parcels into two lots. *Present Zoning:* I-1 Light Industrial. *Applicants:* Scott Brown and Harold Prunty.

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

The next item was a lot split.

**Lot Split - Kaylynn Avenue SE**

*Location and Description:* Part of Out Lot 324 located at the north end of Kaylynn Street SE; the request is to split off a 1.655 acre parcel from this property. *Present Zoning:* R-T Two Family Residential. *Applicant:* Flek Stoehr

Mr. Aaby presented the request. Mr. Stoehr plans to build homes on this site. Mr. Manson moved for approval, seconded by Mayor Cicchinelli, motion carried.

The final item under Other Business was a proposed amendment to City Subdivision Regulations.

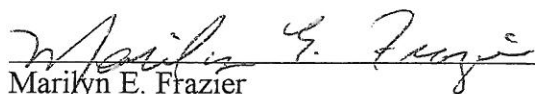
**Proposed Amendment to City Subdivision Regulations**

Councilman Glenn Gamber, Chairman of the Council Community Development and Annexation Committee, is requesting the Commission to consider an amendment to the Subdivision Regulations requiring the developer to install underground utilities in all new allotments.

This item was not presented since the Commission's policy is not to hear an item without representation.

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

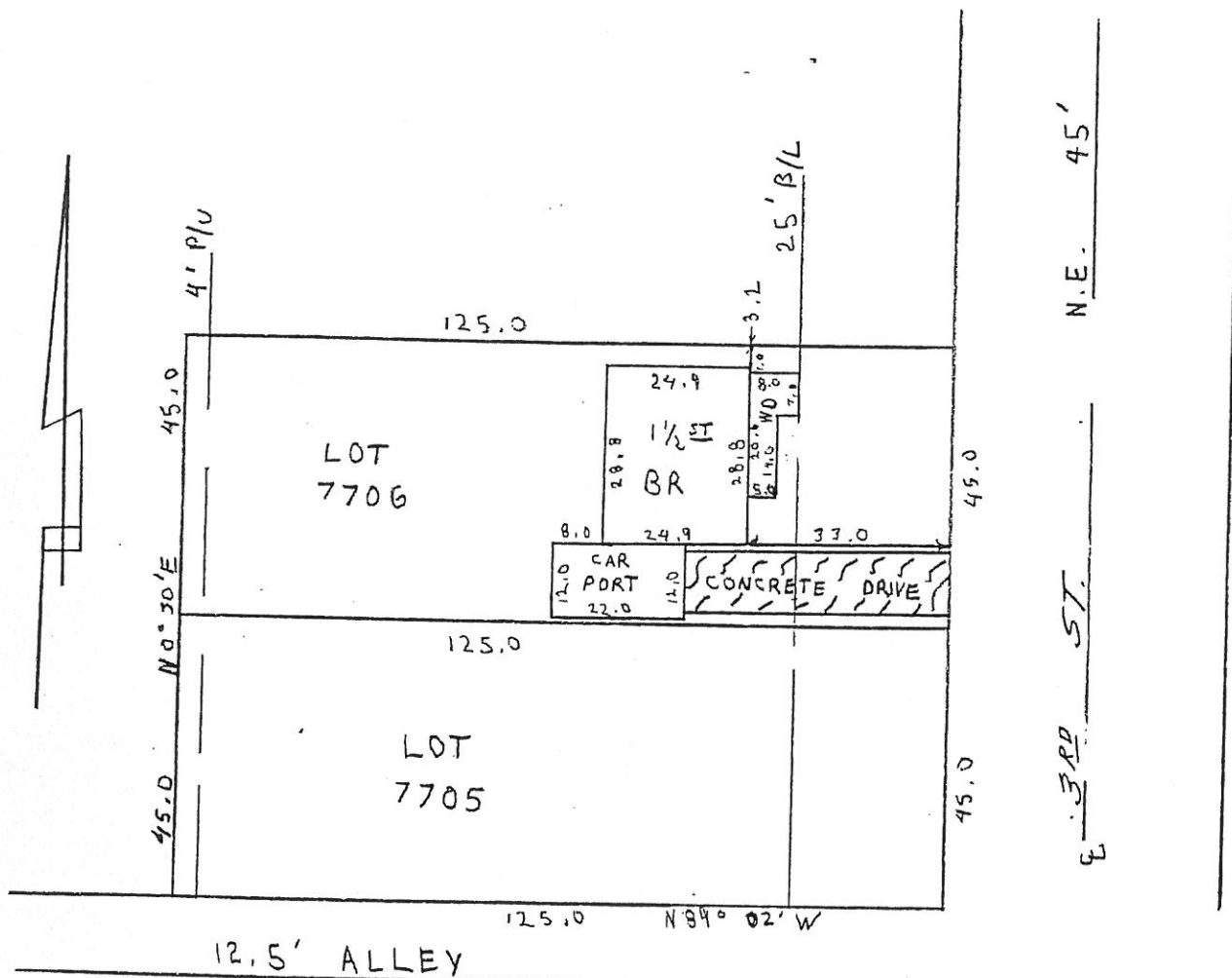
Respectfully submitted,

  
Marilyn E. Frazier  
Commission Clerk

93-489-PF3

REFINANCE: BRATTON, CHARLES R. & CYNTHIA R.

Known as and being Lots 7705 & 7706, City of Massillon, Stark County, Ohio.  
A.K.A. 927 - 3rd St. N.E., Massillon, Ohio.



I hereby certify that the buildings situated on the above described real estate are located on and within the boundaries of said premises. I further certify that the buildings located on the adjoining property do not encroach upon said real estate except as shown.

This certification made by me this 30 day of NOVEMBER, 1993.

Virgil L. Holden      P.S. No. 5870

NOTE: This is a Mortgage Location Survey prepared in accordance with Chapter 4733-38 of the Ohio Administrative Code and is NOT a Boundary Survey pursuant to Chapter 4733-37 of the Ohio Administrative Code. No visual sightings of any easements or right-of-ways on this property except as shown.

SCALE: 1 INCH=.....30.....FEET



**HOLDEN SURVEYING, INC.**

2662 Belfort Ave., N.E.  
Louisville, Ohio  
Phone: 216-875-1711  
FAX: 216-875-1767



*Done*

To: Members of the Planning Commission

From: Glenn Gamber, Chairman, Community Development and Annexation Committee

Date: November 29, 2000

RE: UNDERGROUND UTILITIES

Council members have questioned the City's policy regarding the installation of utility lines in the various new allotments being built in Massillon. Most of these allotments, but not all, have electric, phone and cable lines that are buried rather than installed above ground.

The City's current code (1109.06) notes that utility lines "shall preferably be buried", but it is not mandatory.

City Council would like to make underground utilities mandatory in new allotments. Attached is a response by Engineer Jim Benekos addressing the issue. I would very much appreciate your input. Would you please let me know your thoughts on the proposed change?

Thank you,

*Glenn Gamber*

# Memo

**To:** Glenn Gamber  
**From:** Jim Benekos   
**Date:** 09/21/00  
**Re:** Underground Utilities

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In response to your request, it is my opinion that the changes shown on the attached will require the developer to install electric and phone lines underground. We may want to include "cable" lines in the section.



average depth of a lot shall not exceed three and one-half  
age width.

Double-frontage or reversed-frontage lots shall be prohibited  
if they are deemed necessary by the Planning Commission to provide  
for residential development from traffic arteries or to overcome  
topographic conditions. Building setback lines shall not be less than  
by applicable zoning regulations. (Ord. 4-1978. Passed 3-6-78.)

109.06 EASEMENTS; INSTALLATION OF UTILITIES; PUBLIC SITES  
AND OPEN SPACE.

(a) Easements, cable,

- (1) Electric and telephone lines shall ~~preferably~~ be buried and  
located in easements at the front property line. When electric  
and telephone lines are placed above ground they shall be in  
easements at the rear lot line. When electric or telephone  
lines are located in rear lot easements, additional easements  
shall be provided along side lot lines at intervals of 250  
feet or less at such other intervals as may be established by  
a street lighting plan approved by the Planning Commission.  
Easements shall be at least sixteen feet wide except that  
easements used solely for access to utilities above ground or  
easements for overhead utilities may be ten feet wide. When  
utilities are located underground, adjacent to a street right  
of way, there shall be provided an easement six feet wide off  
the front of the adjoining property. Light standards shall be  
located within the curb strip between the sidewalk and the  
street.
- (2) Easements shall be provided on both sides of all drainage  
ditches or open watercourses. The width of drainage easements  
shall be sufficient to provide for access to the drainage  
course. It shall be wide enough for its reasonable protection,  
widening, deepening, realignment or enclosure.

(b) Installation of Utilities. All the following utility improvements  
shall be installed prior to street construction and shall meet the following  
standards:

(1) Water.

- A. All subdivisions shall have public water for domestic use  
and fire protection. Adequate size water mains properly  
connected to the public water supply system shall be  
provided.
- B. All necessary fire hydrants, valves and fittings shall be  
installed under the direction of the proper City  
officials.



- (2) Storm sewer. Proper and adequate disposal of storm water shall be provided. The type, extent, location and capacity of drainage facilities shall meet the design standards established by the City Engineer. All surface drainage facilities shall connect to an adequate drainage course. Land that is subject to flooding from time to time shall be provided with such improvements as may be required to remove flooding hazards from proposed subdivision lots.
- (3) Sanitary sewers. Sanitary sewers shall be installed in any subdivision where such sewers can be connected by means of gravity fall to existing sewer facilities. At least one lateral shall be installed to the property line of each lot platted. Such laterals shall be sealed in accordance with the requirements of the City Engineer until used.
- (4) Location. Utilities to be located in the street right of way shall be placed in the ground before any pavement is constructed in the proposed street, unless otherwise provided for by joint agreement of the City Engineer and the utility company. (Ord. 4-1978. Passed 3-6-78.)
- (5) Street Lighting. ~~When electric lines are placed underground,~~ The subdivider or developer shall be responsible for the cost of the installation of street lighting in accordance with design standards established by the City Engineer. (Ord. 62-1985. Passed 5-6-85.)

(c) Public Sites and Open Spaces. Where a proposed park, playground, school or other public use shown in the Massillon General Development Plan is located in whole or in part in a subdivision, the Planning Commission may require the dedication or reservation of such areas within the subdivision. Where large scale development occurs necessitating additional community facilities not shown in the General Development Plan, the Planning Commission may require the dedication or reservation of sites meeting the requirements for schools, parks and other neighborhood purposes. Public sites may be made available by one of the following methods:

- (1) Dedication to public uses.
- (2) Reservation of land for the use of property owners by deed or covenants.
- (3) Reservation for acquisition by a public agency within a period of three years. Such reservation shall be made in such a manner as to provide for the release of the land to the subdivider in the event no public agency proceeds with the purchase. (Ord. 4-1978. Passed 3-6-78.)