

A G E N D A
MASSILLON PLANNING COMMISSION
SEPTEMBER 11, 2002 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meetings of August 14, 2002.*

2. *Petitions and Requests*

Replat– AutoZone / F & M Properties

Location and Description: Part of Out Lot 330 (0.89 acres) and Part of Out Lot 417 (0.86 acres), located on the northeast corner of Lincoln Way East and 23rd Street NE. The request is to replat this property into two new parcels. The property is zoned B-3 General Business.

Owner: AutoZone.

Engineer/Surveyor: Richard Carpenter.

Replat– 306 Ohio Avenue, NE

Location and Description: Lot Nos. 5522 and 5523, located on the north side of Ohio Avenue NE, between First Street NE and Amherst Road NE. The request is to replat this property into one new lot. The property is zoned R-1 One Family Residential.

Owner: Donald & Kim Gray.

Engineer/Surveyor: Buckeye Surveying Services.

3. *Old Business*

Request for Approval of Conditional Land Use – 714 Erie Street South

Location and Description: Lots No. 4289 – 4291 located on the east side of Erie Street South between Walnut Road and Rawson Avenue SE. The property is zoned I-1 Light Industrial. The applicant is requesting approval to operate a convenience store at this location. Section 1169.03 (d) of the City Zoning Code allows retail uses within an I-1 District, subject to review and approval by the City Planning Commission.

Applicant: Denise Tatum

The Massillon Planning Commission met in regular session on August 14, 2002, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Members

Rev. David Dodson, Chairman
James Johnson, Vice Chairman
Alan Climer
Thomas Seesan
Paul Manson

Staff

Aane Aaby
Marilyn Frazier
Jason Haines
Steve Hamit

The first item of business before the Commission was the approval of the minutes of the Commission meeting of July 10, 2002. Mr. Johnson moved for approval, seconded by Mr. Manson, motion carried unanimously.

The next item under Petitions and Requests was a rezoning request presented by Mr. Aaby.

Rezoning Request – Erie Street South

Location and Description: Part of Out Lot 153, a 7.34 acre parcel located on the east side of Erie Street South between Shriver and Pearl Avenue SE.

Zone Change Request: From R-1 Single Family Residential and B-3 General Business to I-1 Light Industrial.

Proposed Use: The owner proposes to construct a storage building including a possible small mechanic or machine shop on the property.

Applicant: Russell E. Draime, D. & L. South Erie Storage & More.

The request is to rezone the property to I-1 Light Industrial. Another portion is being left as residential for a future single housing development. Access for the current proposed use would be from South Erie. Mr. Draime was present and stated that he is interested in constructing some small storage buildings. At a later date he is interested in building some houses. Councilperson Gloria Autrey was also present and commented that she had been contacted by some of the residents on Shriver who were concerned about the traffic, noise, and safety associated with industrial zoning. Mr. Draime commented that the industrial use is intended for Erie, not Shriver. Carlina Snellingberger, 212 Shriver SE, commented that she was concerned that the future housing development would be apartments. William Lewis, part owner of the property in question, commented that they intend to turn over the access area to the City to be dedicated as a public street. Richard King, 134 Shriver SE, was present and provided history of the neighborhood. Also present was Willa Brown, 138 Shriver SE, who expressed concern about increased traffic and activity and its impact on the children in the area. After a brief discussion, Mr. Climer moved for approval, seconded by Mr. Manson, motion carried unanimously.

The next item was another rezoning request presented by Mr. Aaby.

Rezoning Request – St. Luke Area Annexation

Location and Description: Lots No. 16313-16318, Out Lots 902 and 903, a total 44.303 acre area located on the south side of Lincoln Way NW between Kenyon and Manchester Avenues.

Zone Change Request: From Tuscarawas Township (no zoning) to RM-1 Multiple Family Residential.

Proposed Use: Zoning of recently annexed area – Proposed multi-family residential development including nursing home, independent living, senior citizens housing, and community center.

Applicant: City of Massillon.

Earlier this year the City of Massillon accepted this annexed area from Tuscarawas Township which has no zoning. The proposed zoning clarification is a result of discussions with the property owners. Sandra Chaney, 12780 Barkman Street, was present but she misunderstood the rezoning notification she received. There was a discussion regarding an oil well easement on the property. Mr. Johnson then moved to approve the request which was seconded by Mr. Seesan, motion carried 3 for and 1 abstention (Mr. Manson).

The next item was also a rezoning request presented by Mr. Aaby.

Rezoning Request – 17th Street SW & Oberlin Avenue SW

Location and Description: Part of Out Lot 286, a total of 0.599 acre parcel located on the east side of 17th Street SW between Finefrock Blvd. (SR 241) and Oberlin Avenue SW.

Zone Change Request: From I-1 Light Industrial to R-3 One Family Residential.

Proposed Use: The Ohio Department of Transportation proposes to sell this property as a residential building site. *Applicant:* Ohio Department of Transportation.

This is a carry over from an item that was on last month's agenda. Ohio Department of Transportation has no further use for this property, therefore, they are interested in selling it but it is zoned I-1 Light Industrial. The City recommended it be rezoned to residential. Mr. Manson moved to approve, seconded by Mr. Johnson, motion carried unanimously.

The next item on the agenda was a re-plat and dedication plat presented by Mr. Haines.

Re-plat and Dedication Plat – 17th Street SW & Oberlin Avenue SW

Location and Description: Part of Out Lots 286, a total of 0.599 acre parcel located on the east side of 17th Street SW between Finefrock Blvd. and Oberlin Ave. SW.

Proposed No. of Lots: One new lot, 0.439 acres in size, currently zoned I-1 Light Industrial, to be rezoned to R-3 One Family Residential. *Owner:* Ohio Department of Transportation.

This is the second part of the preceding request. When the property is sold, this portion is to be dedicated as a right-of-way to the City. Mr. Climer moved for approval, seconded by Mr. Manson, motion carried unanimously.

The next item was a final plat presented by Mr. Haines.

Final Plat – Castle West Estates No. 3

Location and Description: Part of Out Lot 193, a total of 7.648 acre parcel located on the east side of 32nd Street NW, south of Castle West Circle NW. *Proposed No. of Lots:* 17 lots zoned R-2 One Family Residential. *Streets to be Dedicated:* Jormay Avenue NW
Owner: SMJD Properties Ltd. *Engineer:* ME Companies

The final plat fits with the preliminary plat which was approved in April. Everything has been completed. Dennis Fulk of ME Companies was present. Mr. Manson moved for approval, seconded by Mr. Johnson, motion carried unanimously.

The next item was a revised preliminary plat presented by Mr. Haines.

Revised Preliminary Plat – Westbrook Estates

Location and Description: Part of Out Lot 636 (zoned R-2 One Family Residential), a total 65.001 acre parcel located on the north side of Lincoln Way NW, between Kenyon and Manchester Avenues; the request is to revise the layout of Phases III and IV of the allotment.
Owner/Developer: A. R. Lockhart Development Company

This property is on the west side of town, north of Lincoln Way West. This is in the interior section of the allotment. The number of lots have slightly changed. A representative of Lockhart Development Company was present and commented that changes were made to add interest and value to the allotment on the condition that developers provide access to the adjoining properties to the east.

Mr. Seesan moved for approval, seconded by Mr. Climer, motion carried unanimously.

The next item was approval of conditional land use presented by Mr. Aaby.

Request for Approval of Conditional Land Use – 714 Erie Street South

Location and Description: Lots No. 4289 – 4291 located on the east side of Erie Street South between Walnut Road and Rawson Avenue SE. The property is zoned I-1 Light Industrial. The applicant is requesting approval to operate a beer-wine carry-out at this location. Section 1169.03 (d) of the City Zoning Code allows retail uses within an I-1 District, subject to review and approval by the City Planning Commission. *Applicant:* Denise Tatum

This property is presently zoned I-1 Industrial. The present building would be utilized with some modifications. Ms. Tatum was present and explained her intentions and the traffic route. Gayle Gamble, Executive Director for Neighborhood Housing Services of Massillon was present and expressed her objections due to its impact on the neighborhood. Ms. Tatum later attempted to speak again, but was informed by the Chair to do so would be out of order. Mr. Manson moved for approval, seconded by Mr. Johnson, motion defeated 3 – 2.

The next item was a lot split presented by Mr. Haines.

Lot Split – Recorr Realty Corp.

Location and Description: Part of Out Lot 595 (zoned I-1 Light Industrial), located on the east side of Erie Street South, between Warmington and Navarre Road. The request is to split off a 3.381 acre parcel into a new out lot. *Owner:* Recorr Realty Corp. *Engineer/Surveyor:* Hammontree & Associates.

The intention is to split this lot and then build a retail store. Dean Jolly of Recorr Realty Corp. was present and spoke about the plans. Mr. Seesan moved for approval, seconded by Mr. Climer, motion carried unanimously.

The next item was also a lot split presented by Mr. Haines.

Lot Split – 28 Eighth Street SW

Location and Description: Lot No. 1967 (zoned R-1 One Family Residential), located on the southeast corner of Eighth Street and Wabash Avenue SW. The lot currently has two structures – a house and a rental unit. The request is to split the lot so that the owner can sell the rental unit. *Owner:* Edwin Conner. *Engineer/Surveyor:* John David Jones

This is a small lot with two buildings on it, one is a single family house and the other is a rental building. The owner wishes to split the lot, and sell the rental property which would enable him to remain in his home. Dorenda Rembert was present, along with Mr. Conner. Ms. Rembert commented that Mr. Connor needs the proceeds of the sale to remain in his home. Mr. Johnson moved for approval, seconded by Mr. Manson, motion carried unanimously.

The next item was a re-plat presented by Mr. Haines.

Re-plat – Forest Avenue SE

Location and Description: Out Lot 755 (1.2873 acres in size) located on the side of Forest Avenue SE, east of 16th Street SE. The request is to re-plat this property into two new lots and one new Out Lot. The property is zoned RM-1 Multiple Family Residential. *Owner:* Neighborhood Housing Services of Massillon *Engineer/Surveyor:* Richard Friedl

This is an irregularly shaped lot which will become three new lots for the purpose of constructing homes. The plans are to extend the utilities and connect the sewer. After a brief discussion, Mr. Manson moved for approval, seconded by Mr. Seesan, motion carried unanimously.

The next item of business was another re-plat presented by Mr. Haines.

Re-plat – Ernies Bike Shop & Canoe Livery

Location and Description: Lot No. 10145 and Part of Out Lots 162 (zoned B-1 Local Business), located on the south side of Lake Avenue NW between State Route 21 and the Tuscarawas River. The request is to re-plat this property into two new Out Lots, 1.755 acres and 0.755 acres in size. *Owners:* Ernie and Debra Lehman *Engineer/Surveyor:* Cooper & Associates

Mr. Lehman is constructing a new building. The parking lot will be used by the people utilizing the Erie Canal Trail. Mr. Lehman was present and commented briefly on his intentions. Mr. Seesan moved for approval, seconded by Mr. Johnson, motion carried unanimously.

The next item as a re-plat presented by Mr. Haines.

Re-plat – Vermont Avenue SE

Location and Description: Lots No. 6176 and 6177 located on the north side of Vermont Avenue SE between 18th and 19th Streets SE. The request is to re-plat this property into one new lot 0.245 acres in size. The property is zoned R-1 One Family Residential.

Owner: Waldo Fritsche *Engineer/Surveyor:* Nichols Field Services

The owner wishes to construct an accessory building but can't do so on a separate lot. Mr. Manson moved for approval, seconded by Mr. Climer, motion carried unanimously.

The next item as a re-plat presented by Mr. Haines.

Re-plat – 604 & 612 Griffith Avenue SW

Location and Description: Lots No. 5749 – 5751, located on the northwest corner of Griffith Avenue and 6th Street SW. The request is to re-plat this property into two new lots. The property is zoned R-1 One Family Residential. *Owners:* Kenneth Latham and Deborah Harvey.

Engineer/Surveyor: Buckeye Surveying Services, Inc.

Mr. Haines reported that the item is actually a lot split and re-plat. Mr. Johnson moved to include the lot split, Mr. Mason seconded the motion which was carried unanimously. Mr. Haines added that the one lot would be split and added to the remaining two and then the property would be re-platted into two lots. The proper building setbacks will apply. Mr. Manson moved for approval, seconded by Mr. Climer, motion carried unanimously.

The next item was a re-plat presented by Mr. Haines.

Re-plat – Jefferson & Franklin Road NE

Location and Description: Lots No. 8062, 8090 and Part of Lot No. 8089, located on the north corner of the intersection of Jefferson and Franklin Roads NE. The request is to re-plat these parcels into two new lots. The property is zoned R-1 One Family Residential.

Owner: Gary Ertle *Engineer/Surveyor:* Buckeye Surveying Services, Inc.

The owner wishes to sell this property. Mr. Ertle was present and stated that this needs to be done to create buildable lots for new homes. Mr. Johnson moved for approval, seconded by Mr. Manson, motion carried unanimously.

The next item was another re-plat presented by Mr. Haines.

Re-plat – 1044 Williams Avenue NE

Location and Description: Part of Lots No. 9615 and 9617 located on the northwest corner of Williams Avenue and Wyoming Place NE. The request is to re-plat these parcels into one new lot. The property is zoned R-1 One Family Residential. *Owner:* Michael Gipp
Engineer/Surveyor: Harper Surveying

This lot was split previously. The owner wishes to construct a pool. Mr. Gipp was present and commented that he didn't realize the property was two lots when he purchased it. Mr. Manson moved for approval, seconded by Mr. Climer, motion carried unanimously.

The next item was a re-plat presented by Mr. Haines.

Re-plat – Nave Road SE

Location and Description: Out Lots 689 and 690 located on the south side of Nave Road SE across from the Legends of Massillon Golf Course. The request is to re-plat these parcels into one new Out Lot, 3.992 acres in size. The property is zoned I-1 Light Industrial.

Owner: W & R Logan Rentals *Engineer/Surveyor:* Ronald Hinton

This property is on the south side of town between Nave and Route 30 near the Legend's Golf Course. Larry Smith was present and stated that they intend to place a billboard on the property. Mr. Seesan questioned the need for so much property for a billboard. Mr. Manson moved for approval, seconded by Mr. Climer, motion carried 3 – 1. (Mr. Seesan voted no)

The final item for the evening was another re-plat presented by Mr. Haines.

Re-plat – Walnut Road SE

Location and Description: Lots No. 5195 and 5196 located on the north side of Walnut Road SE between 15th Street and Lawton Street SE. The request is to re-plat this property into one new lot. The property is zoned R-1 One Family Residential.

Owner: Habitat for Humanity of Massillon.

Rev. Dodson removed himself from the Chair to represent Habitat for Humanity. This property is at Walnut Road and 15th Streets SE, near the former site of the Massillon Youth Center. The intention is to combine these two lots into one and build a home for a low income family. Rev. Dodson stated that originally Habitat for Humanity had requested a variance which would have enabled them to build two homes, but due to the objection of a property owner in the area, they decided to withdraw the request, re-plat the property and construct one home. After a brief discussion, Mr. Seesan moved for approval, seconded by Mr. Manson, motion carried unanimously.

There being no further business before the Commission, the meeting adjourned at 9:20 P.M.

Respectfully submitted,


Marilyn E. Frazier, Commission Clerk

Approval:

MEF/ky

MEADOW WIND ASSOCIATES
DEED VOL. 169 PAGE 409

Re-Plat: AutoZone and F & M Properties

WAKEM REALTY, INC.
IMAGING RECORD 98011989

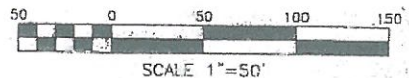
AUTOZONE, INC.
A NEVADA CORPORATION
DEED VOL. 1623 PAGE 391

PARCEL A
0.899 ACRES

OUTLOT 417

OUTLOT 330

LINCOLNWAY EAST (US 30)



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r.r. spike		
p.k. nail		
scratch		
drill hole		
punch mark		
iron bar		
iron pipe		
stone		
mon. box		



F & M PROPERTIES
PROPERTY SURVEY

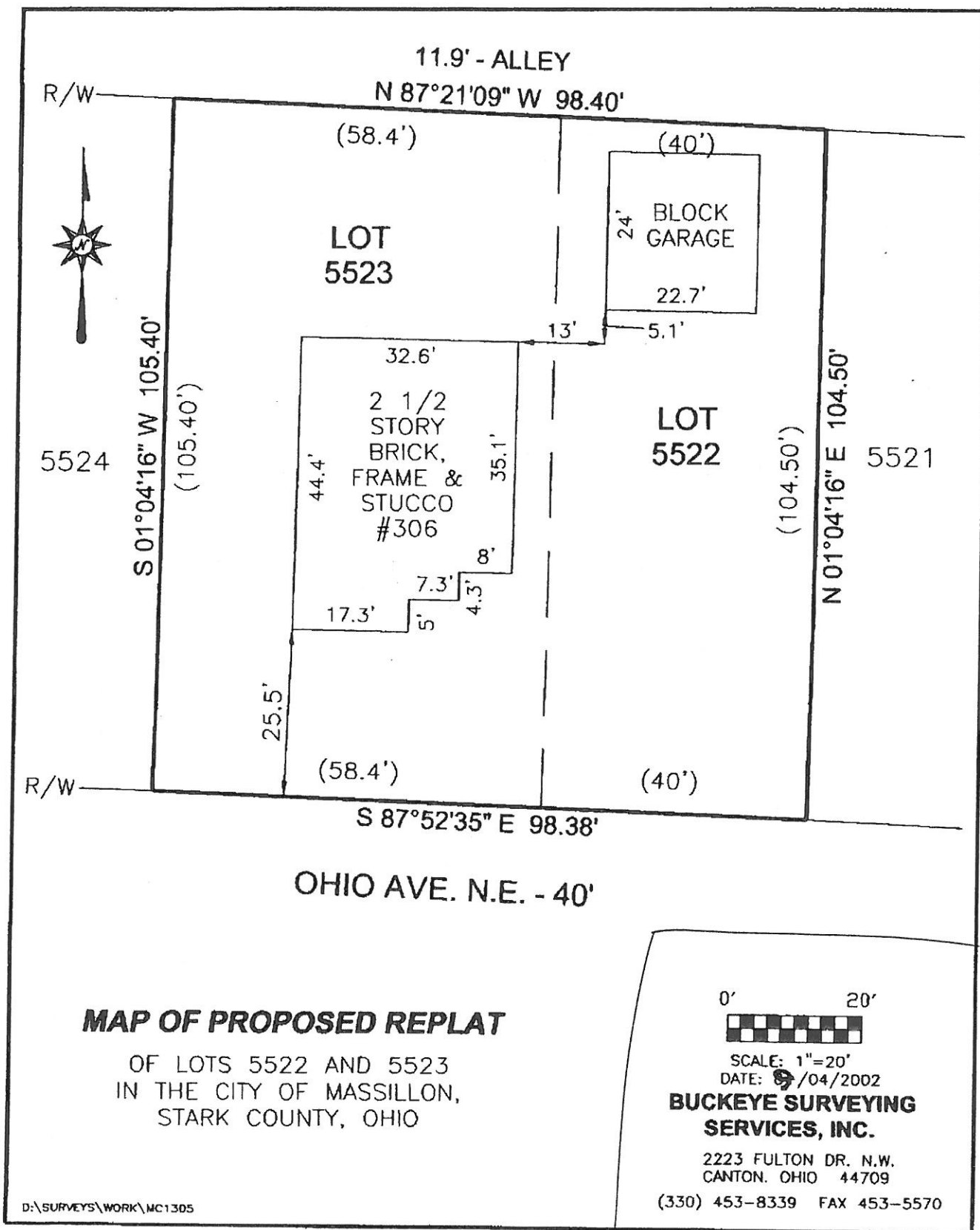
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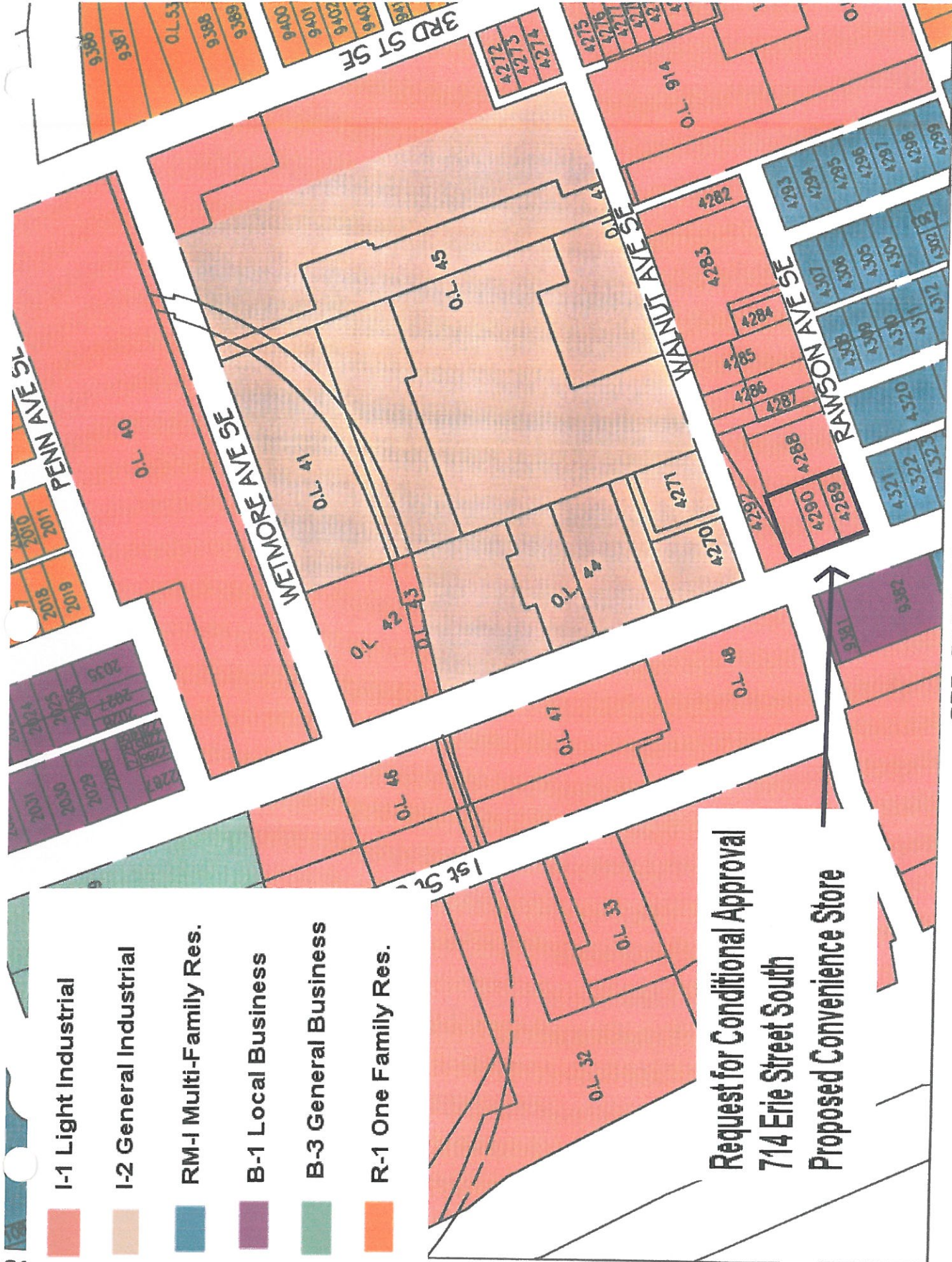
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R = 784.02 FT
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DATE
7138



Bruce Conery



- I-1 Light Industrial
- I-2 General Industrial
- RM-1 Multi-Family Res.
- B-1 Local Business
- B-3 General Business
- R-1 One Family Res.

Request for Conditional Approval
714 Erie Street South
Proposed Convenience Store



9-4-02

I Denise Tatum am requesting
conditional land use for 714 ERIE ST SE,
MASSILLON, Ohio to own & operate a
Convenience store at that location.

Thank-you
Denise Tatum
1920 Woodland Ave. N.W.
Canton, Ohio 44704



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