

A G E N D A
MASSILLON PLANNING COMMISSION
JANUARY 15, 2003 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of December 11, 2002.*

2. *Petitions and Requests*

Replat – 33 6th Street SE

Location and Description: Lot No. 292 and Part of Lot No. 293, located on the west side of 6th Street SE, south of Lincoln Way East. The request is to replat these parcels into one new lot.

Applicant: Bob Princehorn, Princehorn Realty

Final Plat – Westbrook Estates - Phase 2

Location and Description: Part of Out Lot 636, a total 20.4332 acre parcel located on the north side of Lincoln Way NW, between Manchester and Kenyon Avenues.

Proposed No. of Lots: 47 lots, zoned R-2 One Family Residential.

Streets to be Dedicated: Woodstone Avenue NW, Woodforest Street NW, and Brightleaf Avenue NW.

Owner/Developer: A. R. Lockhart Development Company.

3. *Old Business*

Rezoning Request - Hankins Road & Valerie Ave. NE – Tabled from last month

Location and Description: Part of Out Lot 933, a 20 acre vacant parcel located on the northwest corner of Hankins Road NE and Valerie Avenue NE.

Zone Change Request: From R-3 Single Family Residential to RM-1 Multiple Family Residential.

Proposed Use: To construct a condominium community of 80-88 units plus a community clubhouse with swimming pool.

Applicant: Concept Communities, Inc.

4. *New Business*

Election of Officers for 2003

The Massillon Planning Commission met in regular session on December 11, 2002, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Members

Chairman Rev. David Dodson
Mayor Francis H. Cicchinelli, Jr.
Vice Chairman James Johnson
Vincent Pedro
Sheila Lloyd
Paul Manson
Thomas Seesan

Staff

Aane Aaby
Marilyn Frazier
Jason Haines
Steve Hamit

The first item of business was approval of the minutes of the Commission meeting on November 20, 2002. Rev. Dodson noted a needed correction which was under Rezoning Request – 107 Fourth Street, N.E., paragraph 4, line 6, the word vote should have been motion. Mr. Pedro moved for approval with the correction as noted, Mr. Manson seconded, motion carried unanimously.

The next item on the agenda under petitions and requests was a rezoning request presented by Mr. Aaby.

Rezoning Request – Hankins Road & Valerie Avenue NE

Location and Description: Part of Out Lot 933, a 20 acre vacant parcel located on the northwest corner of Hankins Road NE and Valerie Avenue NE.

Zone Change Request: From R-3 Single Family Residential to RM-1 Multiple Family Residential.

Proposed Use: To construct a condominium community of 80 – 88 units plus a community clubhouse with swimming pool. *Applicant:* Concept Communities, Inc.

This is a 20-acre vacant parcel in the vicinity of Wales Road, Hankins Road and Valerie Avenue. The total area is 28 acres with 8 acres to be developed as Single Family Residential. The plan is for 80 – 88 condominium units. This is the remaining portion of the Morelli estate to be sold. Some of the other developments of the former Morelli property are Paquelet and Arnold Funeral Homes, Abby Glen Condominiums and Grace Community Church. Concept Communities wish to acquire the balance of this property for the development of single family homes and condominiums. A letter of opposition was submitted to the Planning Commission by Edward and Mona Schultz of 1712 Hankins Road NE, who could not be present. Copies of the letter have been distributed to the Planning Commission members and will be a part of the minutes.

Carl Balla of Concept Communities was present and explained that they had filed a preliminary sketch of their plans for 8.5 acres of the 28 acre parcel. The condominiums will sell for \$148,000 - \$180,000. There is a provision in the condominium declaration which precludes the rental of the units. He also noted they had volunteered to expand the interior road to three lanes (including a turn lane) to eliminate congestion. They have been working with the Engineer's Office and Safety Forces for other improvements to the development. He apologized to the Commission and audience because he intended to schedule a residents' meeting but didn't due to time constraints. He also commented that he had met with Mr. Schultz.

Lillian Crimond of Abby Glen was present and expressed concern the impact of having so many condominiums in such a small area. Guy Cicchini, 1155 Old Tower Road, was also present but was unable to remain so he distributed a letter voicing his concerns. This letter will also be a part of minutes. Ron Sibila, 2151 Carlyle NE, asked if this was approved, could anything other than condominiums be built. Mr. Aaby replied that if this rezoning is approved, it is not binding that condominiums will be built. The Mayor referred to the previous comment regarding deed restrictions being placed against the property.

Ralph Ricksecker, 1117 Wales Road NE, was present and spoke in opposition of the rezoning. Sean Sanford, 3030 Torrey Pines Circle NW, Canton, commented that the impact would be worse if this was developed as single family housing. He added that traffic will increase no matter what is developed in the area. Dave Maltese, Realtor, commented that the buyer was put on a very tight schedule. This property has been on the market for a long time. Most interest in it has been for condominiums. Joe Quinn, 1038 Carnation Street NE, commented that he enjoys the "woods-like" environment, and this development would detract from that. Bill Day commented that this would result in too many condominiums in one location.

Mayor Cicchinelli then commented on the City's history concerning condominium development. The first 4 were built in 1998, 14 in 1999, 6 in 2000, 68 in 2001, and 71 in 2002. This area is very desirable for condominium development. There is a niche for condominium life style in Stark County. If the City wouldn't allow this type of development, we could lose this segment of our population. This is an excellent product, the units are a little larger. We need to look at the big picture. He added "I support condominium development. However, I feel neighborhood involvement is necessary. More is accomplished by sitting down with residents to resolve concerns. I feel this should be tabled to allow the developer the opportunity to meet with residents."

Tom Goodrich, 1025 Carnation Street NE, commented on the traffic on Hankins. Jerry Carpenter, 1520 Valerie NE, spoke about the traffic also. Perry White, 2111 Carlyle Street NE, commented on increased traffic and possible danger to children. James Filhour, Council-at-Large, commented that when he was Ward 1 Councilman, they received numerous complaints prior to the development of this area. He went on to say they assured people the area would be developed as single family.

Ron Mang, Ward 1 Councilman, commented that a neighborhood meeting should be scheduled. Glen Gamber, 5th Ward Councilman and Chairman of Community Development Committee, explained the time table for Council action. Mr. Manson added that he is very impressed with Abby Glen, but agrees that resident involvement is necessary. Tom Seesan asked if a delay to hold a meeting would be detrimental to the project. Mayor Cicchinelli moved to table the item indefinitely, seconded by Mr. Manson, motion carried unanimously.

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

Final Plat – NeoCom I Industrial Park – No. 2

Location and Description: Part of Out Lot 569, an 8.442 acre parcel located on the northwest corner of Navarre Road SE and Millenium Blvd. SE. The request is to replat this property into 2 new parcels. The zoning is I-2 General Industrial. *Applicant:* Miller Land Development Ltd. *Surveyor:* Hammontree & Associates

Mel Herncane, of Massillon Development Foundation, was present. He said a contract is pending on this property. Construction is to start in the Spring. Fifteen jobs will be created. Mayor Cicchinelli moved to approve, seconded by Mr. Johnson, motion carried unanimously.

The next item was also a replat presented by Mr. Haines.

Re-plat 1508 Third Street SE

Location and Description: Lot Nos. 5352 and 5353, located on the southeast corner of Third Street SE and Pearl Avenue SE. The request is to replat these parcels into one lot. The property is zoned R-1 One Family Residential.

Owner: Henry Joiner *Engineer/Surveyor:* Orville DeBos

The owner wishes to replat these two lots at the corner of Pearl and Third Steets, SE. Mr. Joiner was present. He said this should have been replated 30 years ago. The garage and carport are on one lot and house on another. This will resolve the situation. Mr. Johnson moved for approval, seconded by Ms. Lloyd, motion carried unanimously.

The next item was a replat which was tabled at the last meeting. This was presented by Mr. Haines.

Replat – 1242 Rodman Avenue NE – (tabled from Nov. 20 meeting)

Location and Description: Lot No. 1383 and Part of Lot No. 1385, located on the north side of Rodman Avenue NE, east of Lewis Place NE. The request is to replat these parcels into one lot so that the garage is on the same lot as the house. The property is zoned R-1 One Family Residential. *Owner:* Rocky Brown and Connie Thomas
Engineer/Surveyor: Nichols Field Services, Inc.

It was tabled due to unknown information. This property is at the end of Rodman NE, next to Reservoir Park. Mr. Haines added that there was a mistake on the County record which has been rectified. Tim Brown was present representing the owners. Mayor Cicchinelli moved to lift the item from the table, seconded by Mr. Johnson, motion carried unanimously. Mayor Cicchinelli then moved to approve, seconded by Mr. Johnson, motion carried unanimously.

The final item for the evening under new business was a proposed zoning code amendment presented by Mr. Aaby.

Proposed Zoning Code Amendment – Bed & Breakfast Regulations

The amendment would create two separate types of bed and breakfast establishments:

1. Bed & Breakfast Home – containing no more than 4 guest rooms, with food service limited to overnight guests, meals limited to a continental type breakfast, and receptions, banquets, and other social activities prohibited; and
2. Bed & Breakfast Inn – containing no more than 10 guest rooms, with receptions and private parties permitted, and with food service to the general public permitted subject to applicable health and safety regulations.

The zoning amendment would allow bed and breakfast establishments within various City zoning districts, as conditional uses subject to review and approval by the Planning Commission.

This was a result of the rezoning request for the operation of the bed & breakfast on Fourth Street NE. After a brief discussion, Mr. Manson moved to approve the proposed zoning amendment, seconded by Mr. Johnson, motion carried unanimously.

There being no further business before the Commission, the meeting adjourned at 9:15 P.M.

Respectfully submitted,


Marilyn E. Frazier
Commission Clerk

Approval:

MEF/ky

December 7, 2002

Massillon Planning Commission
151 Lincoln Way East
Massillon, Ohio 44646

To the members of the Planning Commission:

We are in receipt of your announcement of the December 11 Planning Commission Meeting to review a rezoning request for the 20 acre parcel at Hankins Road NE and Valerie Avenue NE.

Since I am temporarily immobilized by major surgery I ask that this letter be shared with the Commission.

We oppose the proposal to change the zoning to Multiple Family Residential at this time because:

1. The property in question includes a portion of the easement and road which provides access to our home. This is not a public, or dedicated road. Obviously the developer's plans and intentions relating to this easement are essential to us since the care and maintenance of this road affect the ingress and egress to our property.

To date the developer has made no attempt to share his intentions to be a good "neighbor". We need the assurance that there is no possibility of a negative impact on our future ease of access and cost of maintenance.

2. Hankins Road is a two lane road which currently carries a heavy traffic load and should not be burdened with the addition of hundreds of additional vehicles daily which will ultimately feed onto Hankins Road.

3. The segment of Hankins Road that will be affected by the increased traffic is already a dangerous area as attested to by the current necessity for "Dangerous Curves" signage, as well as the traffic entering and leaving at Carnation, Valerie, 17th Street, the access road shared by the new Grace Community Church and the homes which that road serves, not to mention the recently added burden of traffic from the Abbey Glen community of condos.

4. Finally, we are greatly concerned about property values since we see no indication that this planned "community" will be required to maintain a level of high quality homes which the neighborhood has established. We oppose the city's providing an opportunity to the applicant to create what could become a community of slum housing in this area.

Planning Commission - Page 2.

We respectfully request that our feelings, as expressed here, be shared with, and considered by the Planning Commission in our forced absence, and we strongly urge that no approval of this request be granted until the above concerns are addressed.

Thank you,

Edward A. Schultz Mona S. Schultz
Edward A. Schultz and Mona S. Schultz

1712 Hankins Road, NE
Massillon, Ohio 44646
330-833-1110

cc: Aane Aaby

Guy M. Cicchini

1155 Old Tower Road
Massillon, Ohio 44646
330.833.9927
330.833.9952 (Telefax)
avanti68@aol.com

December 11, 2002

Re: Rezoning of Property Located at Northwest Corner of Intersection of Hankins and Valerie.

To Whom It May Concern:

I am writing concerning the proposal to change the zoning from single family residential to multi-family residential. My family and I live directly adjacent to the property, which is the subject of the zone change and I believe the zone change will have an adverse impact upon my residential property.

My objection is based upon two categories of concerns: (1) concerns regarding existing problems in the area and (2) concerns regarding problems in the area, which will arise from the zone change.

As to my **first** concerns, I am concerned as to the status of the removal of the dredging from the lake. The City of Massillon was suppose to remove the dredging but has not done so. The current state of the property with the dredging creates a nuisance and should be completed with the funds, which were to be set aside for the project. In addition, I am concerned as to the traffic hazard that currently exists at the intersection of Valerie and Hankins. It is extremely difficult to travel from Valerie onto Hankins because of the angle at which the two streets intersect. The intersection needs to be straighten out. I believe something ought to be done now to correct this problem before a traffic fatality occurs. Similarly, there exists a problem at the intersection of 17th Street and Hankins, which needs to be addressed for the benefit of the community.

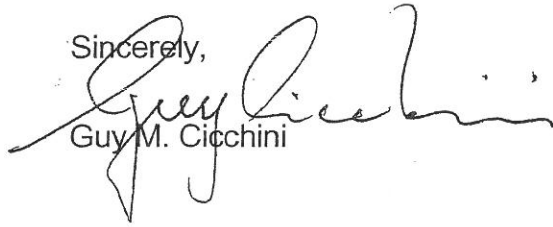
With regard to my **second** set of concerns, I am concerned that there were no detailed site drawings at the Planning Commission to be reviewed prior to the meeting. The Notice indicated that there would be such drawings but when I visited the Planning Commission offices, I found no such plans. I did have a chance to review the application and noticed that the developer seeks to construct 80-88 units. Given that there exists in the area already 90 units, the construction of these units will certainly lead to an over saturation of the area. Furthermore, the added congestion will only exacerbate the existing traffic problems and lead to a devaluation of my property value.

December 11, 2002

Furthermore, I understand that the changing of the zoning will not guarantee that the developer develops the property in accordance with any proposed plans. After consulting with city officials, it is my understanding that once the zone change is made the developer could build apartment units at the location or rent the condominiums.

For the foregoing reasons, I am therefore requesting that the zone change be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Guy M. Cicchini". The signature is fluid and cursive, with a large initial "G" and "C".

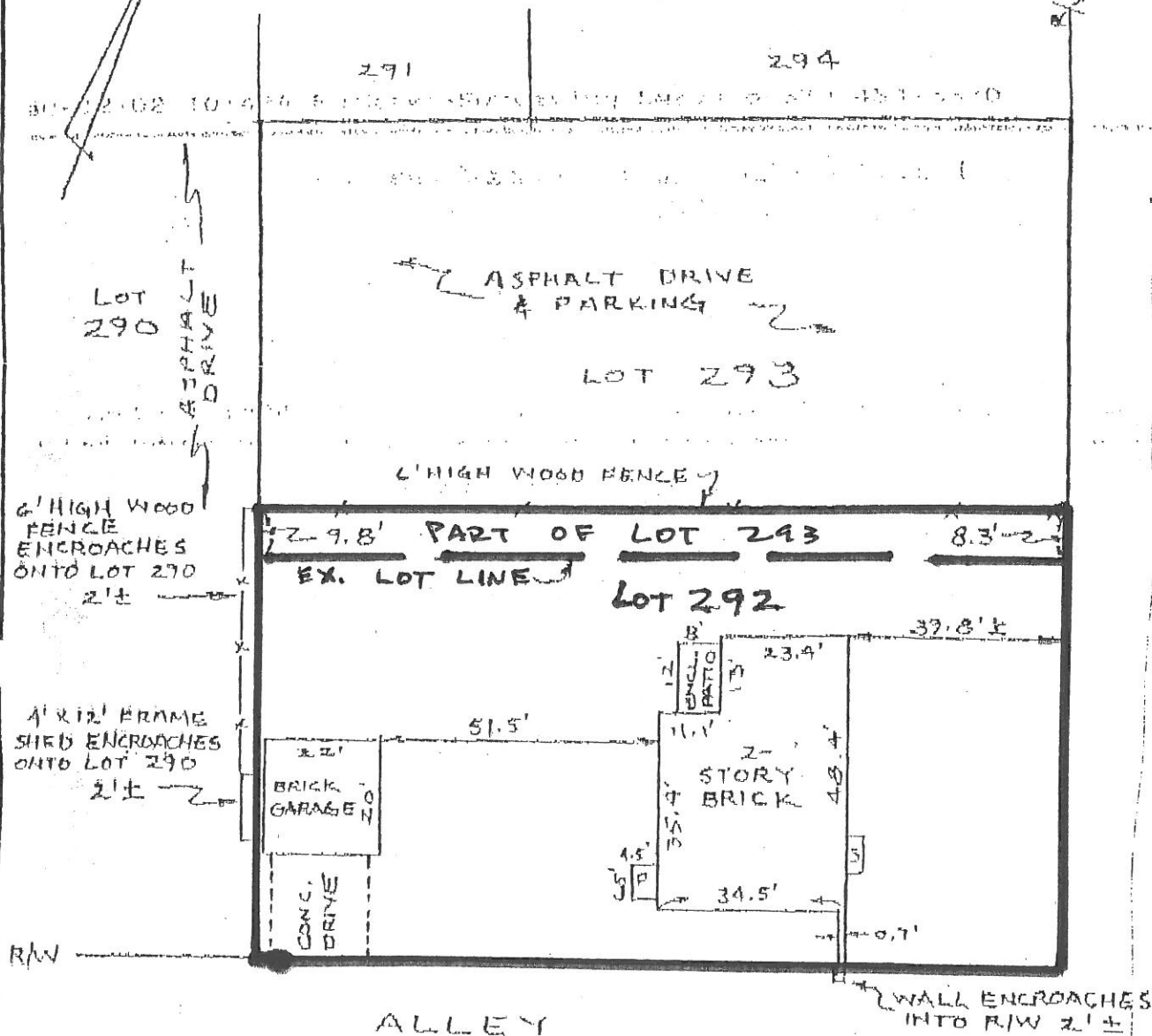
Guy M. Cicchini

This mortgage loan inspection is made for, and at the instance of,

WELLS FARGO HOME MORTGAGE, INC./
OHIO BAR TITLE INS. CO.

SELLER: CANARY ESTATE

BUYER: DARNELL

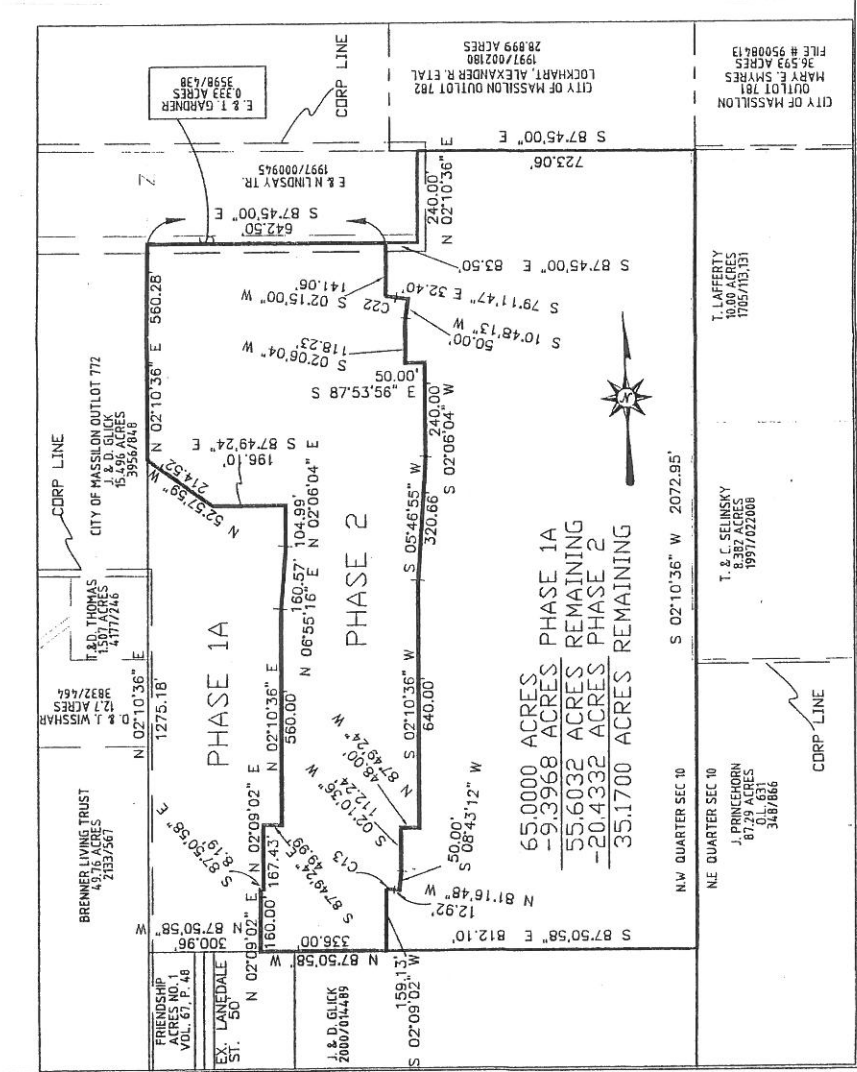


RECORD PLAT OF WEST BROOK ESTATES - PHASE II

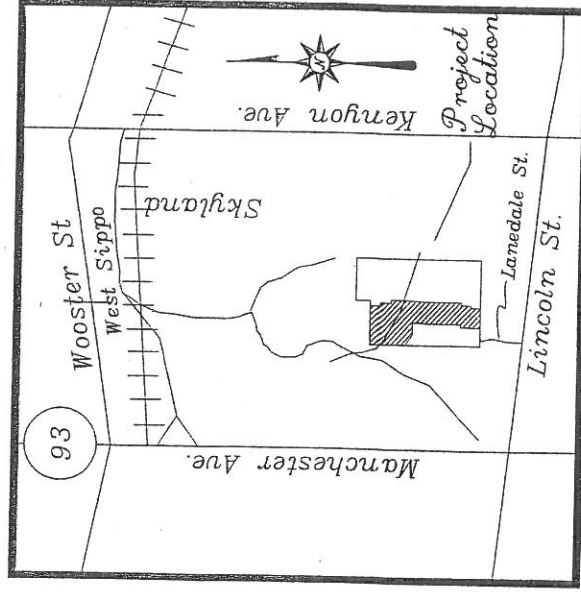
FINAL PLAT 20.4332 ACRES

PART OF THE NW 1/4 SECTION 10
TOWNSHIP 12, RANGE 10
FORMERLY TUSCARAWAS TWP.,
BEING PART OF OUTLOT 536 OF
CITY OF MASSILLON

ACREAGE IN LOTS (47): 14.0729 AC.
ACREAGE IN BLOCK A: 0.2695 AC.
ACREAGE IN BLOCK B: 3.2106 AC.
ACREAGE IN NEW R/W: 2.8802 AC.
TOTAL ACREAGE: 20.4332 AC.



NOVEMBER 2002



LOCATION MAP
Not to scale

The City of Stark County, Ohio
 102 West Main St. • Suite 428
 Cleveland, Ohio 44113-1201

Planning and development consultants
 for
 Concept Communities, Inc.
 Massillon Property
 Stark County, OH

PRELIMINARY
SKETCH PLAN

for
 Concept Communities, Inc.
 Massillon Property
 Stark County, OH

Scale: 1" = 100'
 0 20 40

Jan 2003

Rezoning Request - Concept Communities
 Part of Out Lot 933
 R-3 To RM-1

