

A G E N D A
MASSILLON PLANNING COMMISSION
FEBRUARY 12, 2003 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of January 15, 2003.*
2. *Petitions and Requests*

Rezoning Request - 33 6th Street SE

Location and Description: Lot No. 16620, located at 33 6th Street SE.

Zone Change Request: From P-1 Vehicular Parking to R-1 One Family Residential.

Proposed Use: The property will continue to be used as a single family residence.

Applicant: Bob Princehorn, Princehorn Realty.

Final Plat – University Village - Phase 8

Location and Description: Part of Out Lot 557, a total 12.231 acre parcel located on the west side of Richville Drive SE, north of Nave Street SE.

Proposed No. of Lots: 37 total lots, with 14 lots zoned R-1 One Family Residential, and 23 lots zoned R-2 One Family Residential.

Streets to be Dedicated: portions of Mt. Union Avenue SE; Heidelberg Avenue SE; and Bowling Green Drive SE.

Owner/Developer: P.R.M.D.C. LTD.

Engineer: Cooper & Associates

3. *Old Business*

Final Plat – Westbrook Estates - Phase 2 (Tabled at last month's meeting)

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.

4. *New Business*

Proposed Zoning Amendment: R-CRD Condominium District

The proposed amendment would create a new residential zoning district designed exclusively for owner occupied condominium projects. The regulations would provide standards for the location, design and development of condominium projects. As part of the rezoning process, a site plan of the proposed development would also be submitted along with rezoning application.

The Massillon Planning Commission met in regular session on January 15, 2003, at 7:40 P.M. in Massillon City Council Chambers. The meeting was delayed due to a lack of a quorum. The following were present:

Members

Rev. David Dodson, Chairman
Paul Manson
Sheila Lloyd
Thomas Seesan
Vincent Pedro

Staff

Aane Aaby
Marilyn Frazier
Jason Haines

The first item of business was approval of the minutes for the Commission meeting of December 11, 2002. Mr. Manson moved for approval, seconded by Mr. Pedro, motion carried unanimously.

The next item under Petitions and Requests was a re-plat presented by Mr. Haines.

Re-Plat – 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 re-plat these parcels into one new lot.

Applicant: Bob Princehorn, Princehorn Realty

This property is near Wendy's Restaurant and the old Taco Bell building. This re-plat will combine one property in its entirety and a portion of another. Mr. Princehorn was present representing both the buyer and seller. There is an existing fence which serves as a barrier to Wendy's. This action will move the lot line to include the fence which will become a part of the property being sold. Mr. Seesan moved to approve, seconded by Mr. Pedro, motion carried unanimously.

The next item was a final plat.

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

Mr. Manson moved to table this item since there was no one available to represent the owner. Mr. Pedro seconded the motion which was carried unanimously.

The next item which was a rezoning request that has been withdrawn.

Rezoning Request – Hankins Road & Valerie Avenue 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.

Mr. Pedro moved to lift the item from the table and then delete it from the Agenda, seconded by Mr. Seesan, motion carried unanimously.

Mr. Aaby then assumed the Chair to conduct the election. Rev. Dodson was re-elected Chairman and James Johnson was re-elected Vice Chairman.

Mr. Aaby distributed a draft of a proposed amendment to the zoning code creating a Condominium Classification. The Commission is to review the draft. No action was taken.

There being no further business before the Commission, the meeting adjourned at 7:50 P.M.

Respectfully submitted,


Marilyn E. Frazier
Commission Clerk

Approval:

MEF/ky

154	152	151	688	6887
155	153	157	6888	6889
156			6890	6891

ST.

481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500
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LINCOLN WAY EAST

100'

5TH	288	289	290	291	292
SE	287	286	285	284	16620
ST.	1560	1561	1562	1563	1564
5TH	1565	1566	1567	1568	1569

Rezoning Request
33 6th SE Lot No. 16620
From P-1 To R-1

6TH S.E.

1456	1551	1552	1553	1554	1555	1556	1557	1558	1559	1560	1561	1562	1563	1564	1565	1566	1567	1568	1569	1570	1571	1572	1573	1574	1575	1576	1577	1578	1579	1580	1581	1582	1583	1584	1585	1586	1587	1588	1589	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600
------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------

UNIVERSITY VILLAGE
PHASE 4
P.B. 67
PAGES 1 - 2

RECORD PLAT

UNIVERSITY VILLAGE PHASE 8

LOCATED IN PART OF O.L. 557 IN THE CITY OF MASSILLON
STARK COUNTY, OHIO

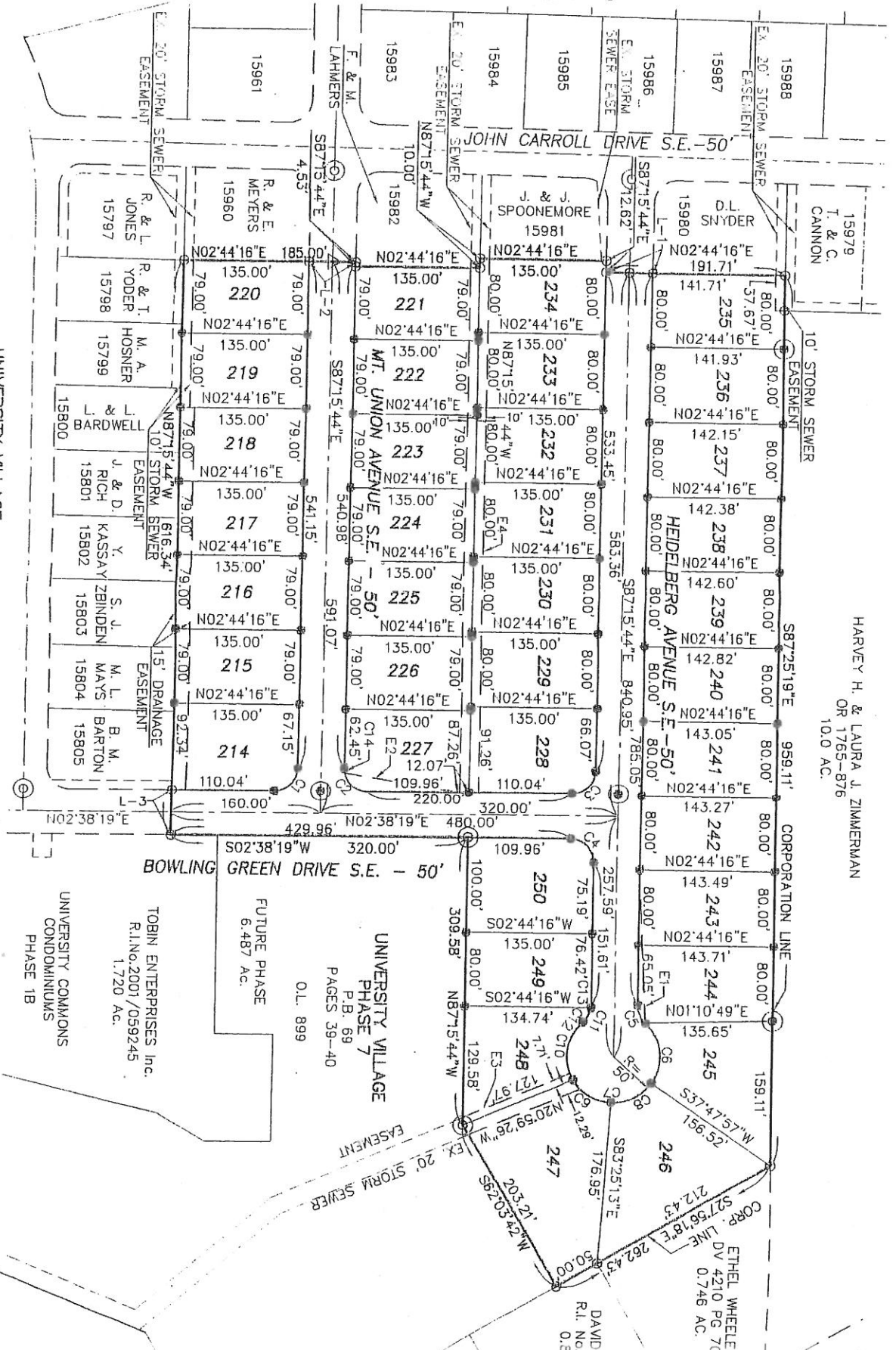
- OWNER/DEVELOPER -
P.R.M.D.C. LTD., A LIMITED PARTNERSHIP
C/O FRED TOBIN

7694 STRAUSSER ST. N.W.
NORTH CANTON, OHIO 44720
PHONE 330-497-9744

AREA IN ROADWAY 2.276 AC.
AREA IN LOTS 9.955 AC.
TOTAL AREA 12.231 AC.

TOTAL NUMBER OF LOTS = 37

UNIVERSITY VILLAGE
PHASE 2
P.B. 65
PAGES 144-145



HARVEY H. & LAURA J. ZIMMERMAN
OR 1765-876
10.0 AC.

ETHEL WHEELER
DV 4210 PG 70
0.746 AC.

DAVID
R.L. NO. 0.8

UNIVERSITY VILLAGE
PHASE 7
P.B. 69
PAGES 39-40
O.L. 899

FUTURE PHASE
6.487 AC.

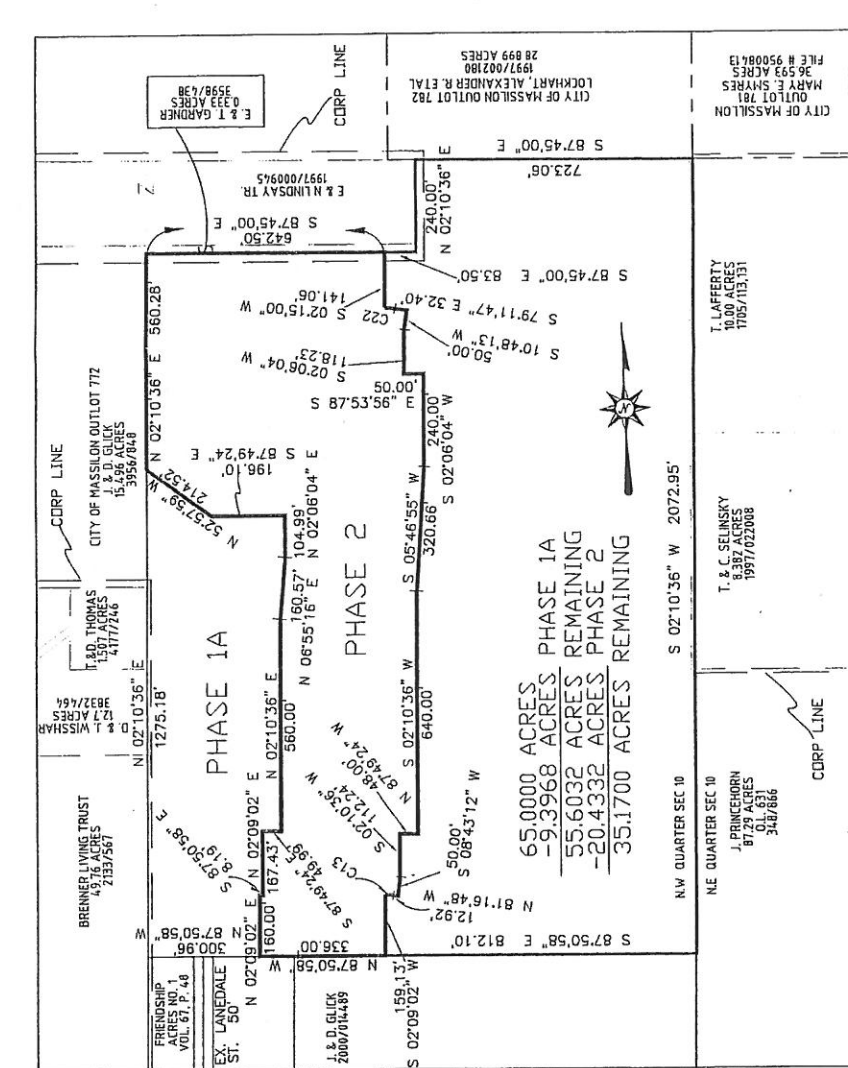
TOBIN ENTERPRISES Inc.
R.L.No.2001/059245
1.720 AC.

UNIVERSITY COMMONS
CONDOMINIUMS
PHASE 1B

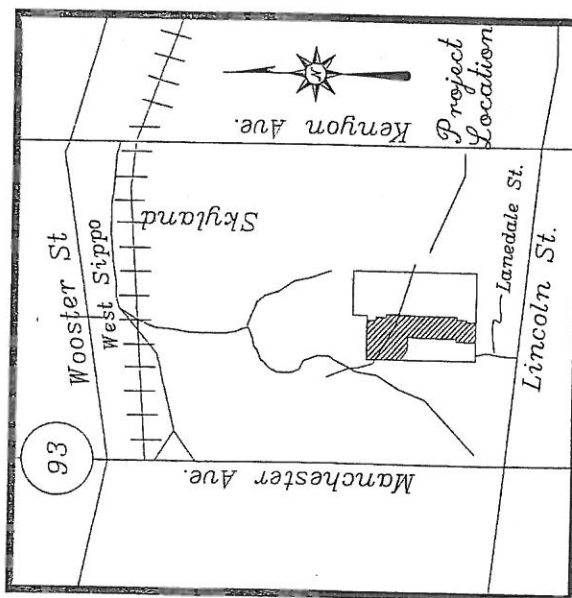
RECORD PLAT OF

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.



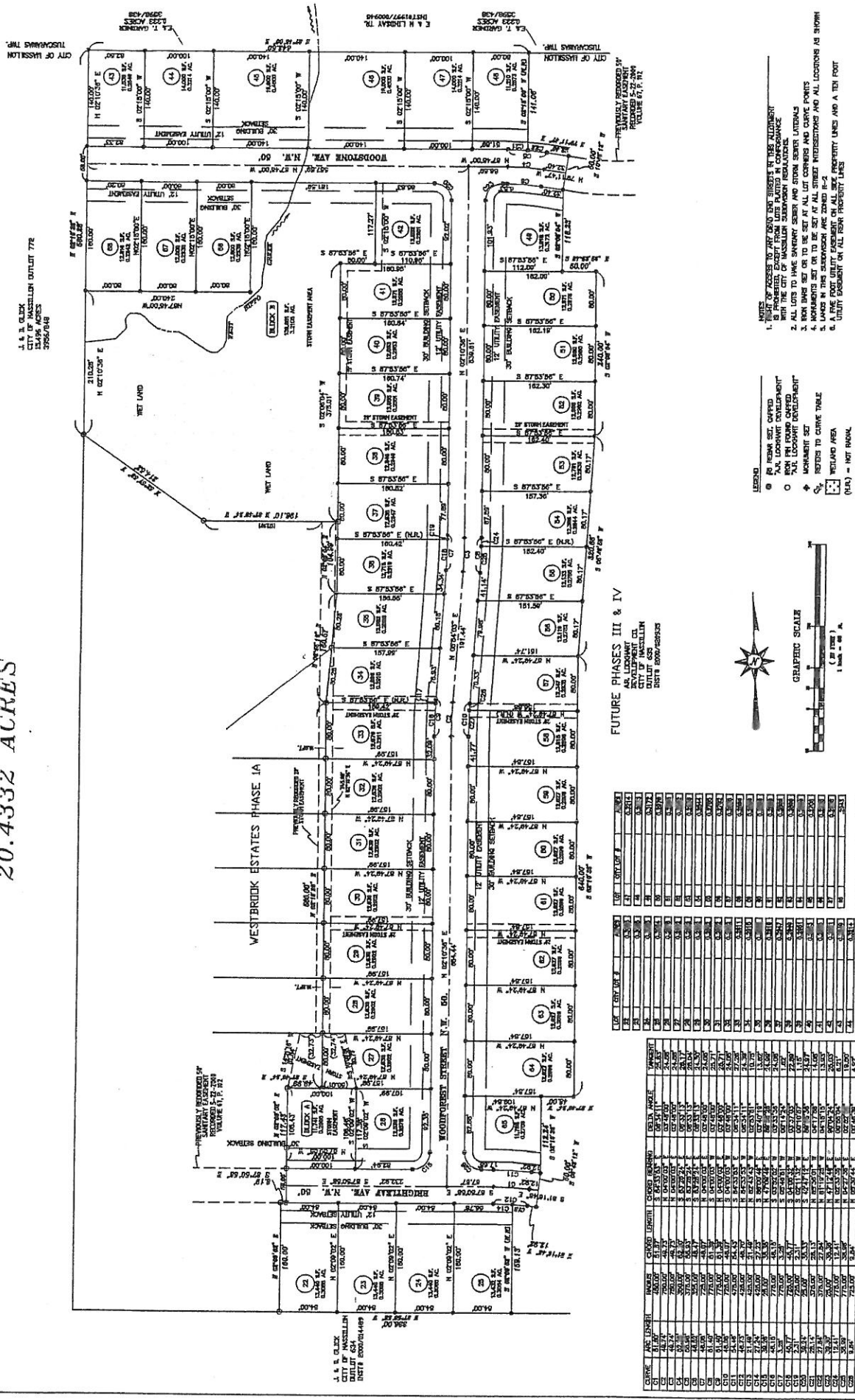
NOVEMBER 2002



LOCATION MAP

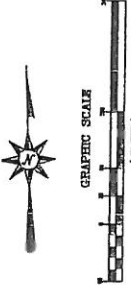
Not to scale

RECORD PLAT OF **WEST BROOK ESTATES - PHASE II** FINAL PLAT 20.4332 ACRES



- NOTES TO BE OBSERVED BY THE BUYER AND SELLER IN THE PURCHASE OF ANY LOT IN THIS PLAT:
1. THE CITY OF MASSACHUSETTS HAS REVIEWED AND APPROVED THIS PLAT FOR RECORDATION.
 2. THE CITY OF MASSACHUSETTS HAS REVIEWED AND APPROVED THE ZONING REGULATIONS FOR THIS PLAT.
 3. THE CITY OF MASSACHUSETTS HAS REVIEWED AND APPROVED THE SUBDIVISION MAP FOR THIS PLAT.
 4. THE CITY OF MASSACHUSETTS HAS REVIEWED AND APPROVED THE PLAT FOR RECORDATION.
 5. THE CITY OF MASSACHUSETTS HAS REVIEWED AND APPROVED THE PLAT FOR RECORDATION.
 6. THE CITY OF MASSACHUSETTS HAS REVIEWED AND APPROVED THE PLAT FOR RECORDATION.
 7. THE CITY OF MASSACHUSETTS HAS REVIEWED AND APPROVED THE PLAT FOR RECORDATION.
 8. THE CITY OF MASSACHUSETTS HAS REVIEWED AND APPROVED THE PLAT FOR RECORDATION.
 9. THE CITY OF MASSACHUSETTS HAS REVIEWED AND APPROVED THE PLAT FOR RECORDATION.
 10. THE CITY OF MASSACHUSETTS HAS REVIEWED AND APPROVED THE PLAT FOR RECORDATION.

- LEGEND
- 1. LOT AREA SET CORNER
 - 2. LOT CORNER SET CORNER
 - 3. LOT CORNER SET CORNER
 - 4. LOT CORNER SET CORNER
 - 5. LOT CORNER SET CORNER
 - 6. LOT CORNER SET CORNER
 - 7. LOT CORNER SET CORNER
 - 8. LOT CORNER SET CORNER
 - 9. LOT CORNER SET CORNER
 - 10. LOT CORNER SET CORNER



FUTURE PHASES III & IV
 AS DEVELOPED BY
 THE CITY OF MASSACHUSETTS
 PLAT NO. 10000-000000

LOT	AREA (SQ. FT.)	AREA (AC.)	AREA (SQ. YD.)	AREA (AC.)	AREA (SQ. FT.)	AREA (SQ. YD.)	AREA (AC.)	AREA (SQ. FT.)	AREA (SQ. YD.)
1	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
2	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
3	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
4	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
5	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
6	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
7	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
8	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
9	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
10	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
11	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
12	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
13	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
14	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
15	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
16	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
17	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
18	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
19	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
20	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
21	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
22	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
23	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
24	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
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35	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
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37	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
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47	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
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54	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
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63	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
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65	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
66	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
67	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
68	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
69	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
70	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
71	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
72	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
73	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
74	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
75	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
76	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
77	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
78	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
79	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
80	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
81	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
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83	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
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86	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
87	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
88	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
89	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
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91	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
92	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
93	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
94	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
95	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
96	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
97	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
98	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
99	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460
100	3,460	0.08	3,460	0.08	3,460	0.08	3,460	0.08	3,460

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CHAPTER 1156

R-CRD Condominium Residential District

1156.01 Intent	1156.05 District Requirements
1156.02 Definitions	1156.06 Application and Review Process
1156.03 Principal Uses Permitted	1156.07 Amendments to Site Plan,
1156.04 Accessory Uses	Construction Progress

1156.01 INTENT

The R-CRD Condominium Residential District is designed exclusively for owner occupied condominium projects. Condominium projects require special additional regulations because of the issues resulting from the divided ownership of individual buildings, and the purpose of this Chapter is to provide reasonable standards for the location, design, and development of condominium projects and the information to be contained in the site plan of development which shall be filed with the application for zone change.

1156.02 DEFINITIONS

“Condominium” means a residential building containing one to four dwelling units which shall be separately owned in fee, and shall be owner occupied. Condominiums are further distinguished from other dwelling types by having joint ownership and/or responsibility for the maintenance of building, grounds and other areas owned in common.

1156.03 PRINCIPAL USES PERMITTED

In a Condominium Residential District, no building or land shall be used and no building shall be erected except for one or more of the following uses unless otherwise provided in the Zoning Ordinance.

- (a) Condominium residential units. The number of residential units permitted in a condominium building located within the R-CRD District shall be not exceed four residential units per building.
- (b) Accessory buildings and uses customarily incident to a condominium development, such as clubhouses, swimming pools, parks, playgrounds, and recreational facilities.

1156.04 ACCESSORY USES

All garages for the purpose of storing private vehicles shall be attached to the primary residential unit, and accessible therefrom. Free standing garages, carports and storage buildings of any type are not an allowable accessory use within the R-CRD District.

1156.05 DISTRICT REQUIREMENTS

Condominium development within the R-CRD District shall be constructed according to a formally approved Site Plan subject to the following District requirements:

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- (a) A Condominium Residential Development shall contain a minimum of five contiguous acres.
- (b) Water and sewer facilities shall be approved by the City Engineer prior to start of construction.
- (c) Housing density shall not exceed the following: seven residential dwelling units per acre.
- (d) The following setbacks shall be applied to condominium lots: the front yard setback shall be twenty-five (25) feet; the side yard setback shall be fifteen (15) feet; and the rear yard setback shall be thirty (30) feet. The minimum distance between condominium buildings shall be no less than thirty feet. The maximum height of condominium buildings shall not exceed two stories or twenty-five (25) feet.
- (e) Each development shall be required to provide a minimum of open space equaling 20% of the total land area exclusive of driveways, parking and loading areas. The site plan shall designate land suitable for use as open space.
- (f) Off-street parking shall be provided at a ratio of two spaces per residential unit.
- (g) All streets and parking areas shall be constructed and paved according to City standards, unless otherwise provided below:
 - (1) All private streets shall be paved to a minimum width of twenty-four (24) feet. They shall be laid out so that their use by through traffic will be discouraged and shall be subject to review and approval by the Planning Commission.
 - (2) Dead-end private streets shall be no longer than two hundred (200) feet and shall terminate with a paved turn-around having an outside paved diameter of at least ninety (90) feet.

1156.06 APPLICATION AND REVIEW PROCESS

Application for a R-CRD Condominium Residential Development shall be made in the following manner:

- (a) An "Application for Zoning Change" shall be completed by the prospective applicant and filed with the Director of Community Development for review by the Planning Commission.
- (b) A Site Plan shall be submitted along with the Application for Zone Change, subject to review and approval by the Planning Commission and including the following details shown to scale:
 - (1) The location, elevation, gross floor area, and proposed uses of each existing structure to remain and for each proposed structure; a typical floor plan shall also be provided;
 - (2) The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas, and curb cuts;
 - (3) The location, elevation, and type of materials for walls or fences;
 - (4) The location of all landscaped areas, the type of landscaping, and a statement specifying the method by which the landscaping areas shall be maintained;

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- (5) The location of all recreational facilities and a statement specifying the method of the maintenance thereof; and
- (6) The location of the parking facilities to be used in conjunction with each condominium unit;
- (c) Three (3) copies of the plans and elevations of all structures, showing the architectural features and the types and materials of construction; and
- (d) Three (3) copies of the covenants, conditions, and restrictions or, if there are no covenants, conditions, or restrictions, any other agreements between any person who has an ownership interest in the project and who has the right to reside in such project which will apply to the condominium project, which covenants, conditions, and restrictions or agreements shall include, but not be limited to, the following provisions:
 - (1) Provisions satisfactory to the City for the maintenance of the common areas of any such project by the City in the event of default in the maintenance of such common areas by individual owners of the units and for reimbursement to the City for any costs incurred thereby;
 - (2) In residential condominium projects the covenants, conditions, and restrictions or agreements shall include:
 - (i) Provisions restricting the use of each residential unit to use as a single-family residence; and
 - (ii) Provisions establishing each individual unit owner's exclusive right to the use of not less than two (2) specifically designated covered parking spaces for each unit; and
 - (3) A provision that any provision required to be included in the covenants, conditions, and restrictions or agreements by this Section or by the conditions of approval imposed on the project shall not be deleted or amended without the written consent of the City.
- (e) Planning Commission recommendation for approval of the site plan shall be contingent upon a finding by the Commission that:
 - (1) The project is an integrated plan designed for the primary purpose of owner-occupied residential use; and
 - (2) The site plan shows that a proper relationship exists between local streets and any proposed service roads, driveways and parking area to encourage pedestrian and vehicular traffic safety; and
 - (3) All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces and any service roads, driveways and parking areas are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located as to interfere with police or fire equipment access.
- (f) Upon determination by the Planning Commission that both the Application for Zone Change and the Site Plan meet all requirements incorporated herein, the Commission will transmit its recommendation to Council. If and when Council determines that the requirements have been met, Council shall

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establish the R-CRD District in accordance with the procedures of Chapter 1137.

1156.07 AMENDMENTS TO SITE PLAN, CONSTRUCTION PROGRESS

- (a) Minor changes in an approved R-CRD Site Plan concerning the location, siting, or character of buildings and structures may be authorized by the Site Plan Review Committee, if required by the City or other circumstances not foreseen at the time of Site Plan approval. No change authorized by the Site Plan Review Committee under this section may increase the size of a building or structure by more than ten percent (10%), nor change the location of any building or structure by more than ten feet in any direction; provided, notwithstanding anything in the foregoing, the Site Plan Review Committee may not permit changes beyond the minimum or maximum requirements set forth in this chapter; all other changes in the R-CRD District including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of an R-CRD District.
- (b) A time period of one year beginning with the official approval of the R-CRD Site Plan shall be granted for commencement of construction. Failure to begin substantial construction within this one year period shall void the Plan as approved. If for any reason the Plan is abandoned, or if construction is terminated at any stage, Council may rescind its approval of the R-CRD District upon recommendation of the Planning Commission, and the entire tract shall revert to a District (or Zone) consistent with the Comprehensive or Land Use Plan. Application for extension of time shall be made to the Planning Commission and shall be accompanied by such evidence as is necessary to show substantial need and shall be presented prior to the one year expiration date. Where the Commission finds an extension is warranted and so recommends to Council, Council may, by resolution, grant the extension.