

A G E N D A
MASSILLON PLANNING COMMISSION
JANUARY 14, 2004 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of December 10, 2003.*
2. *Election of Officers for 2004*
3. *Petitions and Requests*

Rezoning Request –Finefrock Blvd (S.R. 241) & Oberlin Rd SW

Location: Part of Out Lot 288, two vacant parcels on Finefrock Blvd. (S.R. 241) and Oberlin Rd SW, the western parcel being 1.662 acres in size and the eastern parcel being 1.301 acres in size..

Zone Change From: R-1 One Family Residential

Zone Change To: I-1 Light Industrial

Applicant: Massillon Baptist Temple, Inc.

Proposed Use: Massillon Baptist Temple proposes to sell these parcels for industrial development.

Request for Land Use Subject to Special Conditions – 1148 Lincoln Way East

Location: Lot No. 9565, located at the northwest corner of Lincoln Way East and Wales Road NE. This property is zoned B-3 General Business.

Applicant: The Hertz Corporation

Request: The Hertz Corporation proposes to use the property at 1148 Lincoln Way East for a car rental business

Zoning Code Regulation: Under Section 1167.03 of the City Zoning Code, "Principal Uses Permitted Subject to Special Conditions", the use of property in a B-3 District as outdoor sales space for the sale and/or rental of automobiles is a permitted use subject to review and approval by the Planning Commission.

Final Plat - Kenyon Creek Estates Phase II

Location: Part of Out Lot 872, a 15.9654 acre parcel of land located on the south side of Wooster Street NW, between Deermont and Kenyon Avenues NW.

No. of Lots: 44 lots zoned R-1 One Family Residential

Streets to be Dedicated: Wooster Creek Avenue NW, Huron Creek Street NW, Kenyon Creek Avenue NW, and Yellow Creek Avenue NW.

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

Re-Plat – 803 Warren Street SW

Location: Lots No. 4709, 4710, and Part of 4711, located on the west side of Warren Street SW, north of Overlook Avenue SW. The request is to replat these parcels into one new lot. This property is zoned R-1 One Family Residential.

Applicant: Richard & Bonnie Dennis.

Engineer/Surveyor: Orville DeBos.

Replat and Dedication Plat – Walnut Road SW

Location and Description: Lots No. 3165 and 3166, located on the northwest corner of Walnut Road SW and Glen Place SW. The request is to replat this property into two new lots. The request also includes the dedication of an additional 8 foot wide strip of right-of-way for Glen Place SW. The property is zoned R-1 Single Family Residential.

Owner: Felix Jesse.

Dedication Plat for Sanitary Sewer Easement– 1322 Erie Street South

Location and Description: Out Lot 153 and Part of Out Lot 828 located on the east side of Erie Street South between Shriver and Pearl Avenues SE. The request is to dedicate a 20 foot wide sanitary sewer easement running through this property. The property is zoned I-1 Light Industrial.

Owner: Russell and Margaret Draime.

Engineer/Surveyor: Richard Friedl.

Storm Sewer & Drainage Easement Vacation – 2846 Lee Avenue NW

Location and Description: Lot No. 15815 located at 2846 Lee Avenue NW in the Lincoln Hills Allotment. The request is to vacate a 5 foot portion off the west end of a 15 foot wide storm sewer and drainage easement. This vacation is being requested because a portion of the house constructed on this property extends over a portion of the easement.

Owner: Ronald Peters & Joyce Miller

Engineer/Surveyor: Cooper & Associates

Amendment to City Subdivision Code – Fees

The City is requesting that Section 1113.06 of the Subdivision Regulations be amended to increase the fees charged for preliminary plats, final plats, plan checking and inspection fees. See the attached rate sheet.

3. *Old Business*

R-CRD Condominium Residential District

Chapter 1156 of the City Zoning Code establishes a zoning district, R-CRD Condominium Residential District, designed exclusively for owner-occupied condominium projects. This zoning district was enacted by Council in 2003. The regulations enacting this district are being resubmitted to the Planning Commission by City Council, which is re-introducing the legislation due to recent court action that has been filed against the City.

The Massillon Planning Commission met in regular session on December 10, 2003, at 7:30 P.M. in the Massillon City Council Chambers. The following were present:

Members

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

Staff

Aane Aaby
Marilyn Frazier
Jason Haines

The first item of business was the minutes for the Commission meeting of November 12, 2003. Mr. Manson moved for approval, seconded by Ms. Lloyd, motion carried unanimously.

The next item under Old Business was a rezoning request presented by Mr. Aaby.

Rezoning Request – Villas at Springhill Condominium Development

Location and Description: Part of Out Lot 933, an approximate 18 acre parcel located at the northwest corner of Hankins Road and Valerie Avenue NE.

Zone Change Request: From R-3 Single Family Residential to R-CRD Condominium Residential District.

Proposed Use: The development of a condominium community consisting of 19 four-unit structures and 4 two-unit structures (84 residential total units) plus a community clubhouse with a swimming pool. *Applicant:* Concept Communities, Inc.

This rezoning has been forwarded back to the Planning Commission by City Council, which is re-introducing legislation on this matter as a result of a recent court decision that rendered void the original council ordinance approving this rezoning request.

In June of 2003, the Planning Commission heard the rezoning request for this property which is located at the northwest corner of Hankins Road and Valerie Avenue NE. The proposal is to construct a condominium community consisting of 19 four-unit structures and 4 two-unit structures, plus a community clubhouse and swimming pool. After council approval, court action was filed and a decision was rendered to void the ordinance. At this time, Council is determining whether to file an appeal, but in the meantime, the item is being reconsidered starting at the beginning. Two e-mails have been received from people who had spoken previously in support of the rezoning. Pastor Michael Bragg, of Grace Community Church, and also a woman who is presently in Florida, both wanted it known that they are in support of the rezoning. Rev. Dodson clarified proper procedure for speaking on the request, and also the duties of the Commissioners.

Attorney Bill Williams was present representing Concept Communities, Inc. He said the application has been re-submitted as it was previously. He reported that Karl Balla of Concept Communities and a representative of the seller, were also present. Joe Quinn of 1038 Carnation Street NE was present and stated that he is against condominiums. He also was interested to know if the developer intends to make the improvements to the road and bridge. Mr. Balla of Concept Communities stated he was available to answer questions. Mayor Cicchinelli asked Mr. Balla if the company intended to improve Valerie as previously promised. Mr. Balla replied "yes." He added that he had heard from Woodrow and Doris Hart who are also in favor of the rezoning. The motion was passed unanimously by a roll call vote of those present (7 - 0).

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

Rezoning Request – Erie Street South & Warmington Road

Location and Description: Out Lot 580 (36.34 acres) and Part of Out Lot 581 (8.88 acres), located on the west side of Erie Street South (S.R.21) between Warmington Road and the U.S. 30 interchange.

Zone Change Request: The construction of a strip retail plaza with free standing retail buildings.

Applicant: Timothy Putman, Attorney at Law, for Olympic Realty Development Corp. and W/S Development Associates.

A portion of this property is located in Perry Township and zoned Industrial. The portion which is in the City is zoned Light Industrial. Attorney Putman was present and stated that his client is interested in developing a shopping plaza which would bring employment opportunities to the community. He added that traffic control in this area is very good. He distributed information about other shopping areas they have developed. After a brief discussion, Mr. Manson moved for approval, seconded by Mr. Johnson, motion carried unanimously.

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

Preliminary Plat – University Village No. 9

Location: Part of Out Lot 766, an 11.682 acre parcel of land located on the west side of Richville Drive SE, north of Nave SE.

No. of Lots: 15 lots, plus one 3.723 acre parcel, all zoned RM-1 Multiple Family Residential.

Streets to be Dedicated: Stark State Avenue SE, and Dominican Circle SE

Owner/Developer: P.R.M.D.C., Ltd.

Engineer: Cooper & Associates

This also includes the dedication of two streets. There is no minimum lot size. Since this is a dead end street, the Engineer's office is requesting a cul-de-sac. Brian Ashman of Cooper and Associates was present. He commented that the developer would appreciate a variance of the cul-de-sac. Mayor Cicchinelli asked if the development would be duplexes for rent or condominiums. Fred Tobin of P.R.M.D.C., Ltd. was present and commented that even though the property is zoned Multiple Family Residential, it will be developed the same as the two-unit condominiums on Wright State. After a brief discussion, Mayor Cicchinelli moved for approval, seconded by Mr. Johnson, motion carried unanimously.

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

Re-plat and Dedication Plat for Sanitary Sewer Easement – Bostic Boulevard SW

Location and Description: Part of Out Lot 512 and all of Lot No. 15098, a 19.604 acre area located on the west side of Bostic Blvd. SW, and the south side of Industrial Avenue SW. The request is to re-plat this property into three new out lots. The request also includes the extension of an existing sanitary sewer easement at the location of Lot No. 15098. The property is zoned I-1 Light Industrial.

Owner: Thomas Martin, Martin Pallet, Inc. *Engineer/Surveyor:* Nichols Field Services, Inc.

The request is to split this into three (3) lots, with two of them to be sold. The sewer easement is to be a part of this plat. Richard Miller of Martin Pallet, Inc. was present. Mr. Seesan moved for approval, seconded by Mr. Pedro, motion carried unanimously.

The next item was a re-plat and dedication.

Re-plat and Dedication Plat – Oberlin Road SW

Location and Description: Part of Out Lot 288, a 3.228 acre area located on the north side of Oberlin Road SW at the junction of Finefrock Boulevard SW. The request is to re-plat this property into two new out lots. The request also includes the dedication of an additional 25 foot wide strip of right-of-way for Oberlin Road SW along the proposed south property line for each new out lot. The property is zoned R-1 Single Family Residential.

Owner: Massillon Baptist Temple, Inc.

Engineer/Surveyor: Orville DeBos

The Church intends to sell a portion of this property. Kenneth Price, Trustee for the Church, was present and commented that the Church doesn't need this land and wishes to sell. This will enable them to do so. Mayor Cicchinelli moved for approval, seconded by Ms. Lloyd, motion carried unanimously.

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

Re-plat – 3020 17th Street SW

Location and Description: Out Lots 662, 663, and Part of Out Lot 659, a total of 2.968 acre area, located on the east side of 17th Street SW, south of Albrecht Avenue SW. The request is to re-plat this property into one new out lot. The property is zoned R-3 Single Family Residential and A-1 Agricultural.

Owner: Darlene Border

Engineer/Surveyor: Hammontree & Associates

The owner presently owns Lots No. 662 and 663 and will be purchasing a portion of Lot No. 659. Michael Miller was present representing the owner and commented that this would straighten up the property lines. Arthur Ashburn of 2930 17th Street SW was also present. Mayor Cicchinelli moved for approval, seconded by Mr. Pedro, motion carried unanimously.

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

Re-plat – 16th Street SE

Location: Part of Out Lot 305 and Lot No. 10403, an approximate 1.5 acre area, located on the west side of 16th Street SE, north of Gibson Avenue SE. The request is to re-plat this property into one new parcel. The property is zoned RM-1 Multiple Family Residential.

Applicant: Aaron & Diane Pachis

This property is in the area of 14th, 16th, and Gibson Avenue SE. A home was recently demolished at this site. Mr. & Mrs. Pachis intend to build a house. Mr. Pachis was present and commented that they recently purchased the property to build a home. Mr. Johnson moved for approval, seconded by Mayor Cicchinelli, motion carried unanimously.

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

Lot Split – 804 – 32nd Street NW

Location: Part of Out Lot 213, a 2.14 acre parcel, located on the east side of 32nd Street NW, south of Lincoln Way West. The request is to split this parcel into two lots. The property is zoned R-2 Single Family Residential.

Owner: Robert Egan

Engineer/Surveyor: Dave Daugherty, TriDoc, Inc.

Mr. Egan owns a 2 acre parcel with a house and garage, and wishes to split a portion off in order to build another house. Mr. Egan was present and commented that he presently owns a two bedroom house and wishes to build a three bedroom house. Mayor Cicchinelli moved for approval, seconded by Mr. Manson, motion carried unanimously.

The final item for the evening was another lot split presented by Mr. Haines.

Lot Split – 733 Bebb Avenue SW

Location: Lot No. 5610, a 4,100 square foot parcel located at the southeast corner of Bebb Avenue SW and 8th Street SW. There are two houses located on this lot. The request is to split this parcel into two lots so that one of the houses can be sold. The property is zoned R-1 Single Family Residential

Owner: Terri Coberly

Engineer/Surveyor: Orville DeBos

This property is in the area of 8th and Bebb SW near Finefrock Road and State Route 241. The lot is small, and has two houses on it. The owner would like to split the property according to the two homes. The owner, Terri Coberly, was present, and stated she has an interested buyer for one of the properties. Mayor Cicchinelli asked if the lot is split, will it meet minimum requirements. Mr. Haines replied that it doesn't meet the requirements presently. Linda Cottrill was present and commented that she believes there are demolition orders on one of the houses. After a brief discussion, Mr. Seesan moved for approval, seconded by Mr. Manson, motion carried unanimously.

Mayor Cicchinelli then thanked Mr. Manson and Mr. Seesan for their dedication and commitment to the City of Massillon by serving on the Planning Commission. Both, Thomas Seesan and Paul Manson stated that they have enjoyed the experience.

There being no further business before the Commission, the meeting adjourned at 8:45 P.M.

Respectfully submitted,



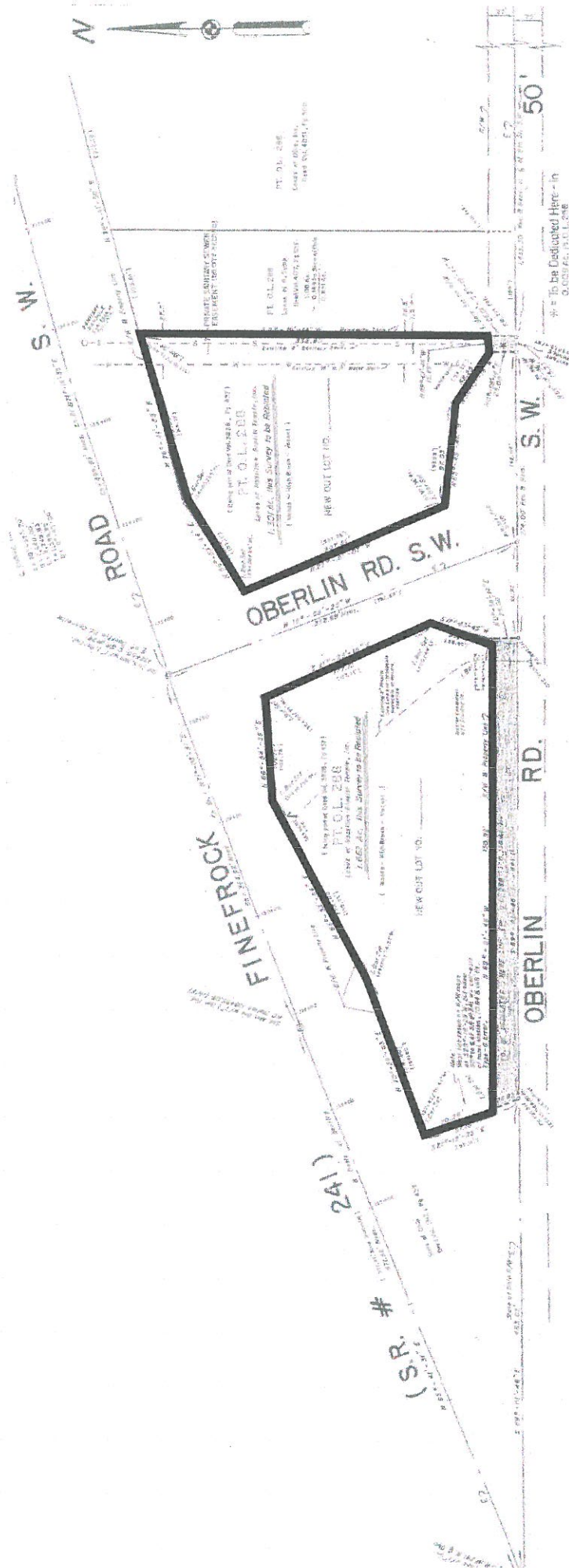
Marilyn E. Frazier
Commission Clerk

Approval:

MEF/ky

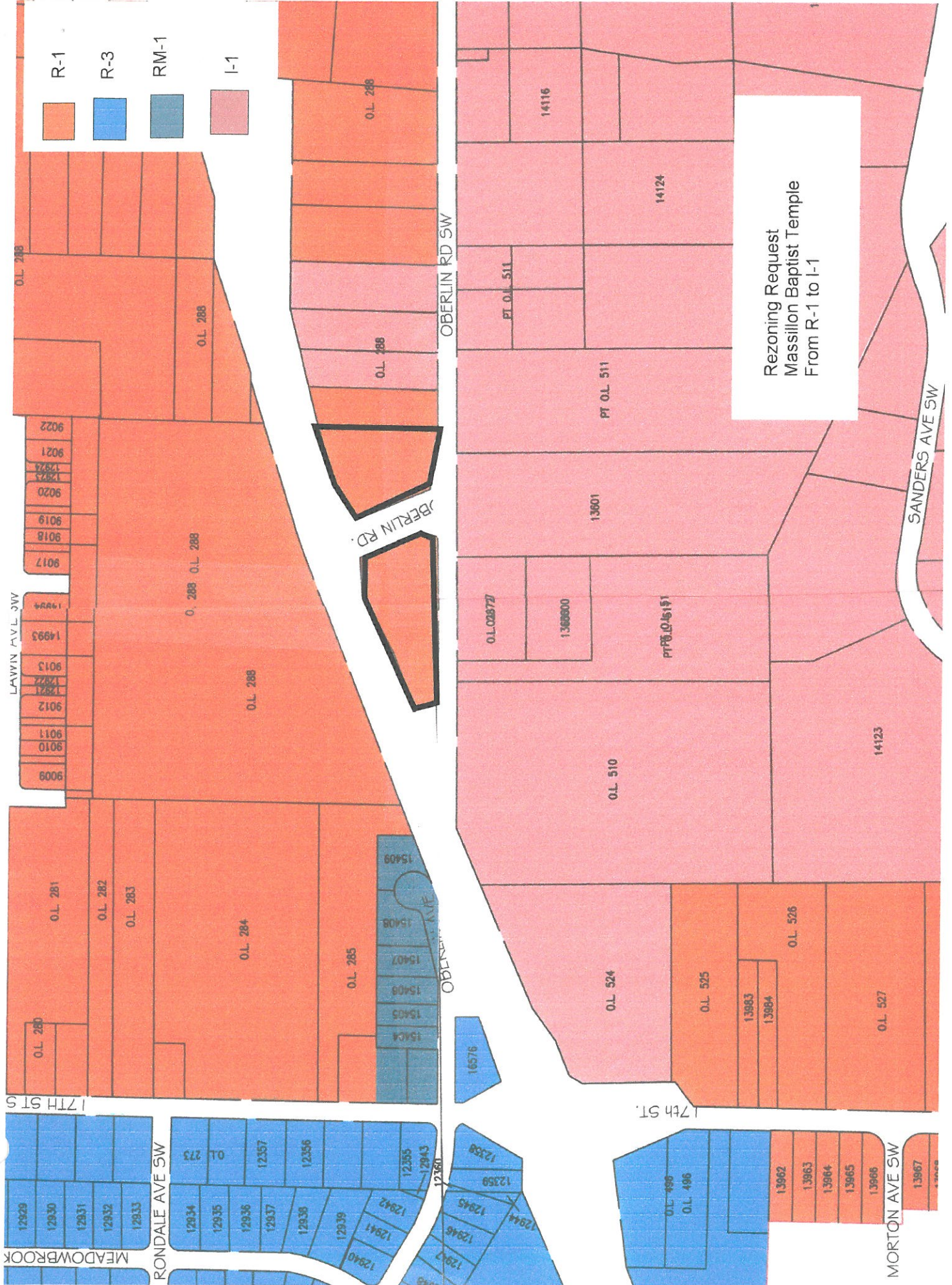
MEF/ky

REZONING REQUEST
 MASSILLON BAPTIST TEMPLE INC.
 FROM R-1 TO I-1



ACREAGE SUMMARY

IN LOTS — W. Parcel	=	1.662 Ac.
E. Parcel	=	1.301 Ac.
IN STREETS W&E	=	0.265 Ac.
TOTAL		3.228 Ac.



QUESTION 7:

Massillon Baptist Temple is requesting that the two pieces of property on the south side of S.R. 241 (Finefrock Road, S.W.) between 9th Street, S.W. and 17th Street, S.W., be rezoned from Residential to Light Industrial. We believe that rezoning is necessary on these two islands of property for the following reasons:

1. These two pieces of property are no longer adjoined to the rest of our property.
2. These two pieces of property are not attached to each other.
3. Because these pieces of property are now separated and across a busy highway, they are not conducive for use in our ministry.
4. These two pieces of property are located in a primarily industrial area and would be better used for industrial purposes.

For these reasons, Massillon Baptist Temple respectfully requests rezoning of these two pieces of land.



*The Hertz Corporation
19025 Maplewood Ave., Cleveland, OH 44135*

December 16, 2003

City of Massillon
Planning & Zoning Commission
151 Lincoln Way East
Massillon Oh, 44646

Dear Mr. Aane Aaby,

The purpose of this letter is to outline the use of the property located at 1148 Lincoln Way East. Hertz, an owned subsidiary of the Ford Motor Company, is currently expanding its traditional airport operations into neighborhood locations throughout the country. These neighborhood locations will specialize in insurance replacement rentals, leisure rentals, and services to the local business communities.

Our hours of operations will be from 08:00am till 06:00pm Monday thru Friday, and Saturday from 09:00am until 02:00pm. A typical location of this size will employ five people.

Most of this business at the facility will entail delivery of vehicles to surrounding body shops, dealerships and businesses. Cars will be available for pickup at the location, and adequate parking will be provided for those transactions. Typical volumes will require no more than three parking spaces for retail customers. This will have little, if any, impact on local traffic.

We are looking forward to becoming a part of your community, and would greatly appreciate a favorable decision from the commission.

Sincerely,


Steve McCraw

General Manager

Hertz

KENYON CREEK ESTATES - PHASE II

FINAL PLAT
15.9654 ACRES

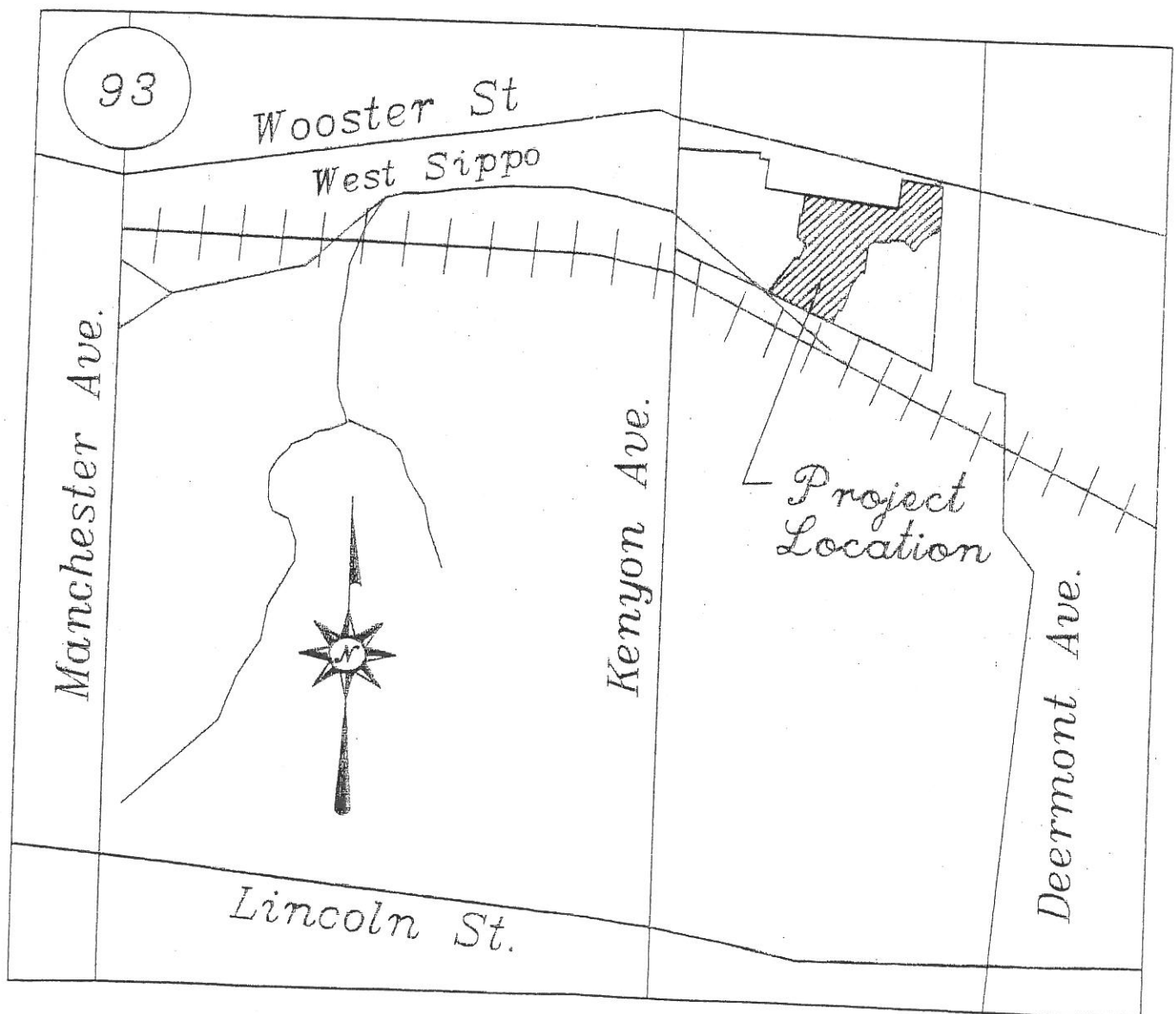
PART OF THE SW 1/4 SECTION 2
TOWNSHIP 12, RANGE 10
FORMERLY TUSCARAWAS TWP.,
BEING PART OF OUTLOT 872 OF
CITY OF MASSILLON

OWNER/ DEVELOPER

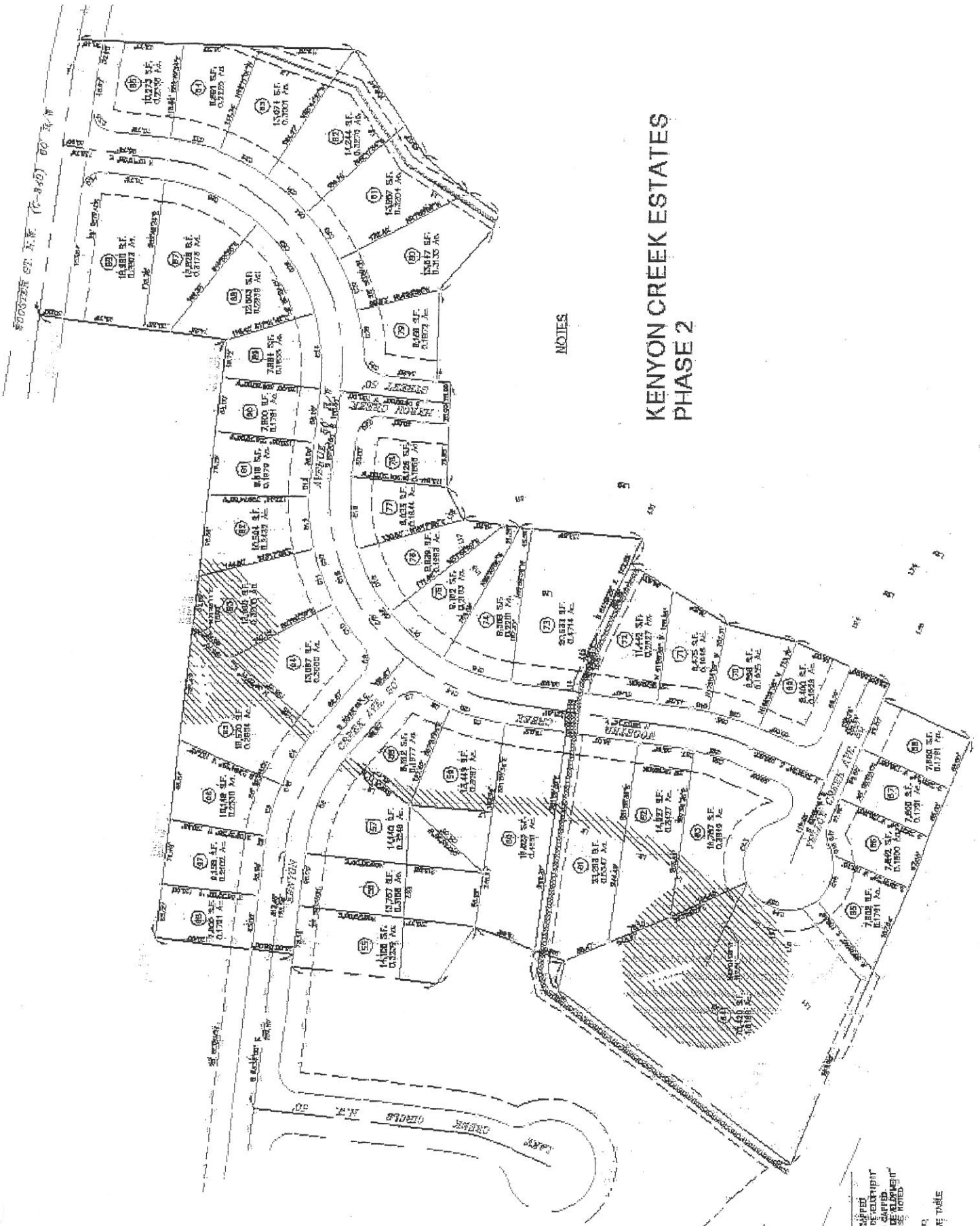
A.R. LOCKHART DEVELOPMENT CO.
800 WEST WATERLOO ROAD
AKRON, OHIO 44319
PH: (330) 745-6520
FAX (330) 745-0716

ACREAGE IN LOTS (44):	13.1675 AC.
ACREAGE IN R/W:	2.7979 AC.
TOTAL ACREAGE:	15.9654 AC.

OCTOBER 2003

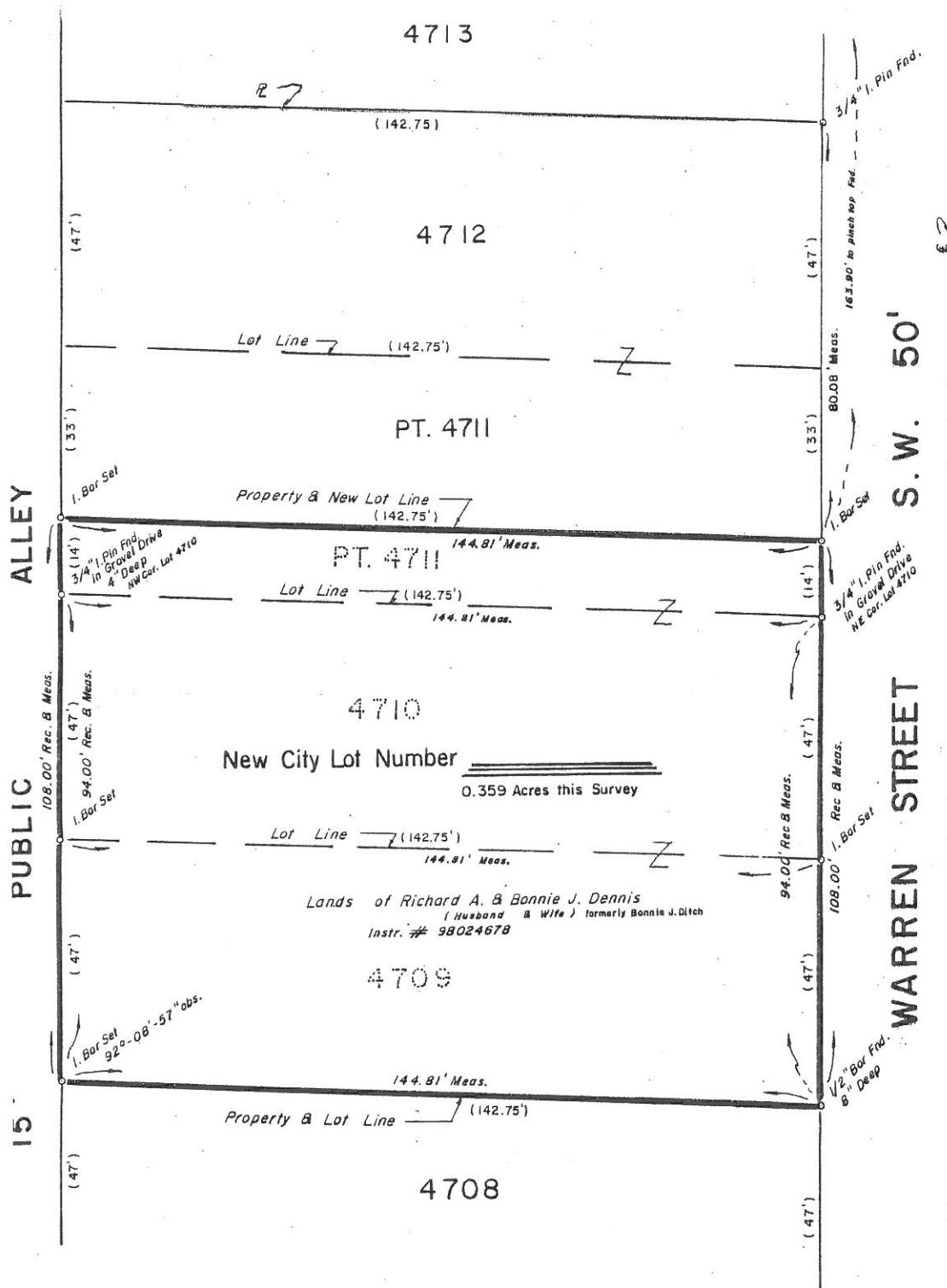


LOCATION MAP



NOTES

 WEILANDS ANZEIGEN
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REPLAT OF LOTS 4709, 4710, & PT. 4711

In the City of Massillon, County of Stark, State of Ohio. According to the present numbering of Lots there-in.

SCALE: 1" = 20'

DATE: DEC. 12, 2003



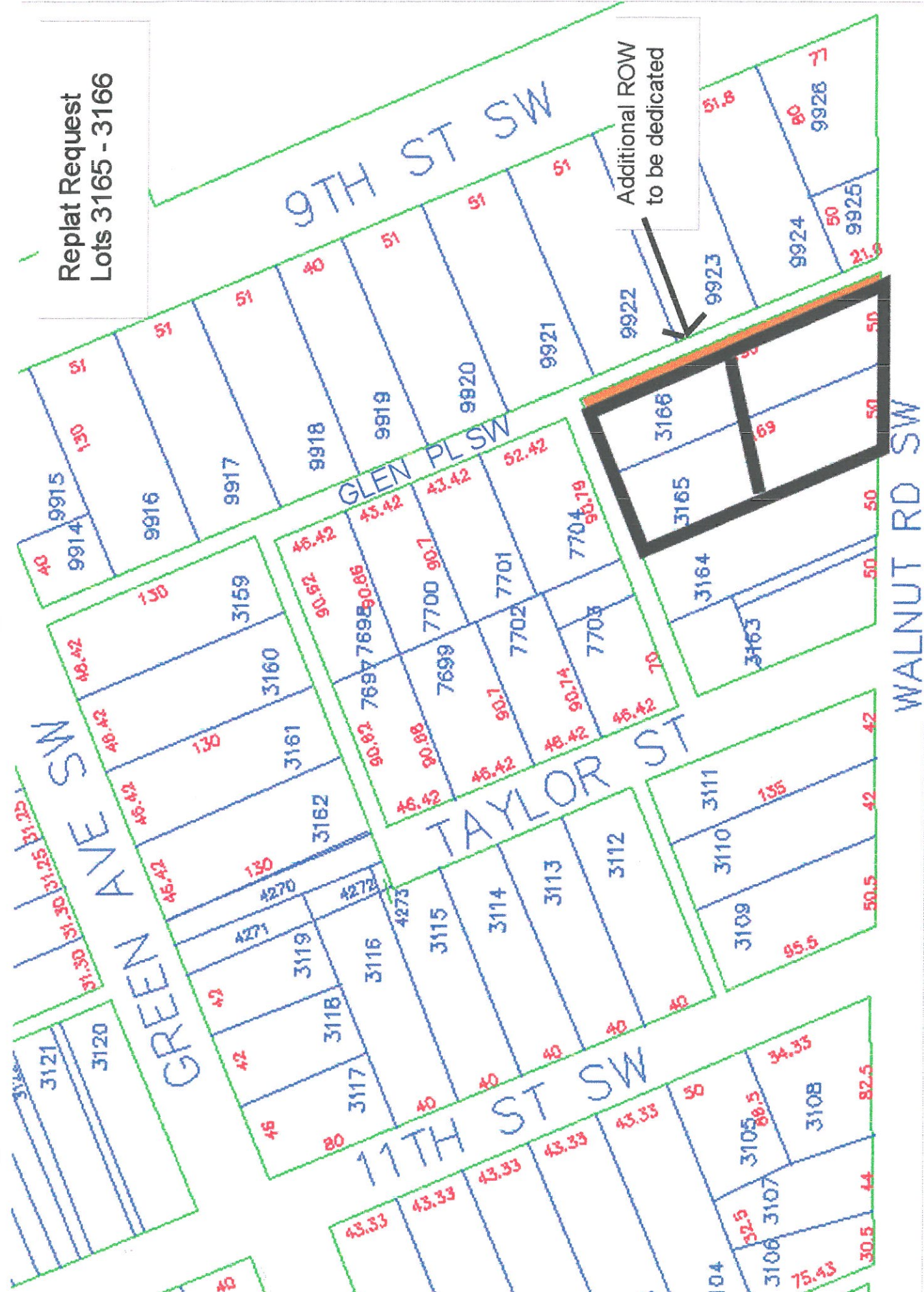
FOR : DENNIS



Orville R. DeBos, Jr.
Orville R. DeBos, Jr.
Reg. Surveyor # 5823

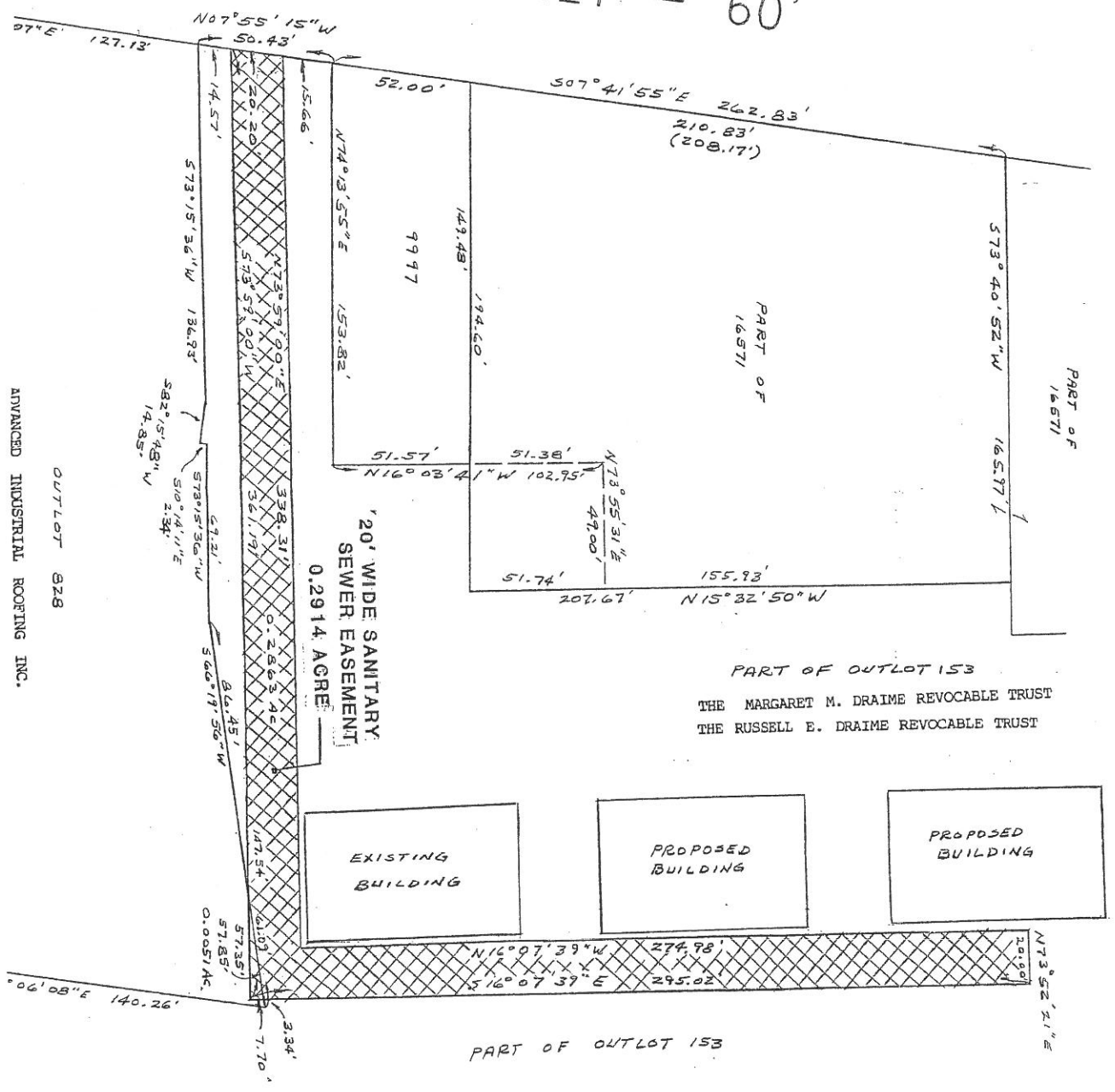
Replat Request Lots 3165 - 3166

Additional ROW
to be dedicated





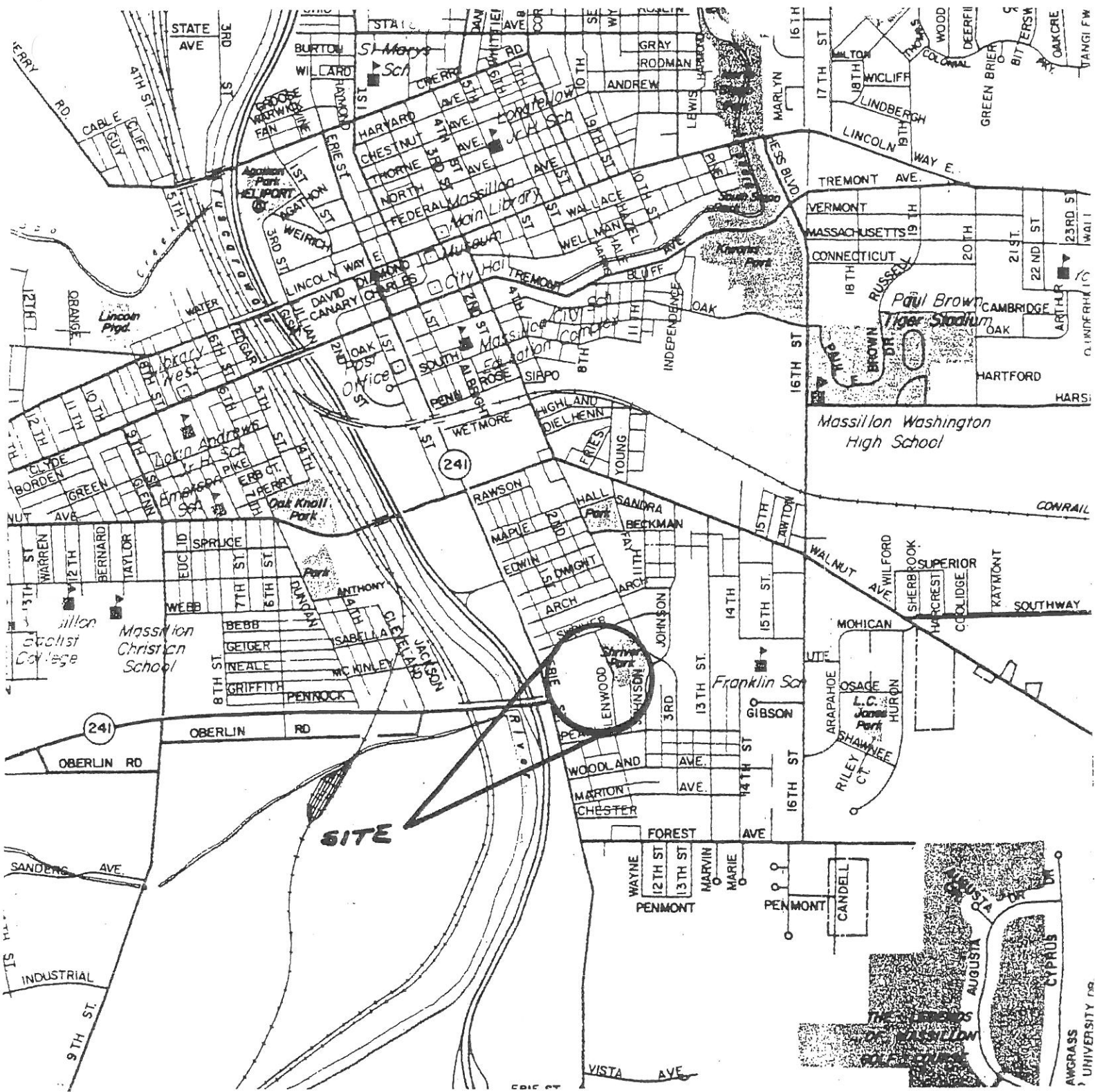
ERIE STREET - 60'



OUTLOT 828
ADVANCED INDUSTRIAL ROOFING INC.

SANITARY SEWER EASEMENT PLAT

WITHIN OUTLOT 153
AND OUTLOT 828.
IN THE CITY OF MASSILLON,
STARK COUNTY, OHIO



VICINITY MAP

SCALE 1" = 50'

1" = 50'

**STORM SEWER & DRAINAGE
EASEMENT VACATION**
PART OF LOT 15B15 IN
THE CITY OF MASSILLON, STARK COUNTY, OHIO
FOR: EARL GLICK/PAUL GLICK

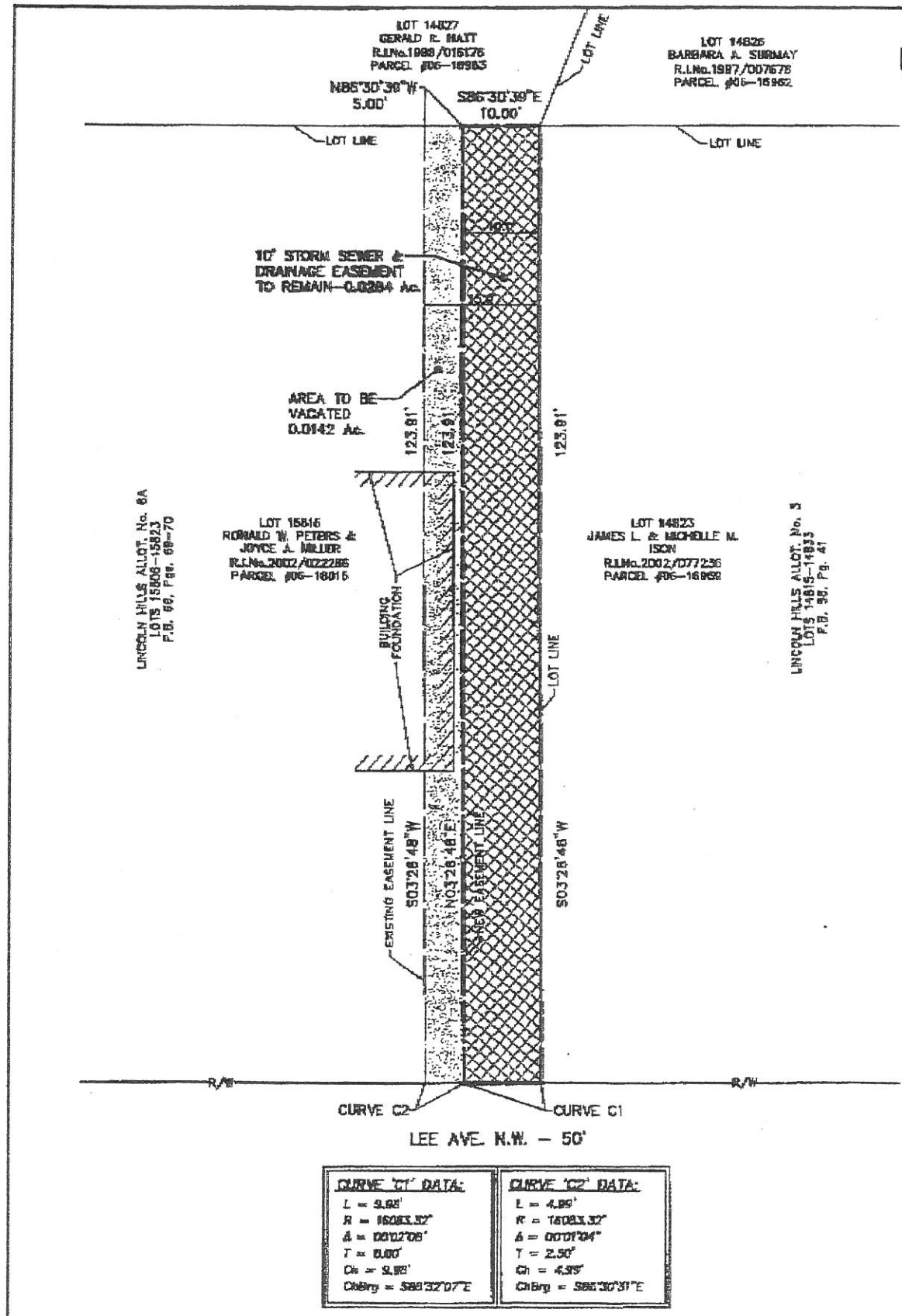


COOPER & ASSOCIATES, LLP
ENGINEERS AND SURVEYORS

PHONE (800) 488-8731
FAX (419) 488-4119

RYAN J. ABRAHAM

JEROLD E. GIBBS





1359 MARKET
AVENUE NORTH
CANTON, OHIO
44714

COOPER & ASSOCIATES, LLP / ENGINEERS & SURVEYORS
PHONE: (330) 452-5731 FAX: (330) 452-9110

BRYAN J. ASHMAN
JEROLD E. GEIB

April 2, 2002

Massillon Engineering Department
Municipal Government Annex; 151 Lincoln Way East
Massillon, Ohio 44646

Att: Steve Hamit - City Engineer
Ref: Lincoln Hills No. 6A

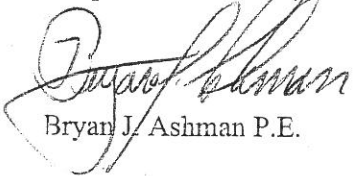
Dear Mr. Hamit:

On behalf of the developer (Earl Glick) Cooper & Associates, LLP is requesting approval for a reduction (vacation) of a portion of the defined 15' Storm Sewer and Drainage Easement which was recorded per Record Plat on Lot 10 (City Lot # 15815) of the above referenced project. Attached find a copy of the applicable portion of the Record Plat. This office is requesting consideration/approval to vacate 5 feet (adjacent to the west side) of the easement, still leaving a 10' easement along the lot's east property line. This vacation request is necessary because the lot owner constructed a portion of his house within the easement (to a distance of 11'± west of the lot's east property line).

The 15' storm easement was added to the Plat on 12/9/98; the reason for which is now uncertain since a site inspection indicates that very little, if any, drainage from off the subject lot may actually drain within the easement limits and there are no storm structures within the easement. Vacating the west 5 feet of the existing easement should have no detrimental impact to the recorded development or adjacent properties.

Please review and consider the above request. Contact me following your review; if vacation of 5 feet of the easement is acceptable with the City, Cooper & Associates, LLP would prepare the required Vacation Plat for recording. If you have any questions, or require additional information, contact this office.

Sincerely,
Cooper & Associates, LLP



Bryan J. Ashman P.E.

cc Earl Glick

REQUEST FOR LEGISLATION TO:

REQUEST LEGISLATION FOR:

DEPARTMENT REQUESTING LEGISLATION:

MAYOR'S APPROVAL:

AVAILABILITY OF FINANCES:

SUBJECT OF REQUESTED LEGISLATION:

Please prepare legislation modifying section 1113.06 of the Codified Ordinances of the City of Massillon.

This chapter specifies the City's Administration and Enforcement of the Planning and Zoning Code.

Please see the table below for the requested change:

1) <table><tr><th><u>Current</u></th></tr><tr><td>Preliminary plat fees: \$20.00 plus \$1.00 per lot.</td></tr><tr><td>Final plat fees: \$10.00 plus \$1.00 per lot.</td></tr><tr><td>Preliminary plan time extension fee: \$5.00.</td></tr><tr><td><u>Preliminary plat re-submittal fee:</u> Where the approved preliminary plan has not been changed but the approval period has expired, the fee shall be one-half the preliminary plan fee.</td></tr></table>	<u>Current</u>	Preliminary plat fees: \$20.00 plus \$1.00 per lot.	Final plat fees: \$10.00 plus \$1.00 per lot.	Preliminary plan time extension fee: \$5.00.	<u>Preliminary plat re-submittal fee:</u> Where the approved preliminary plan has not been changed but the approval period has expired, the fee shall be one-half the preliminary plan fee.	<table><tr><th><u>Proposed</u></th></tr><tr><td>Preliminary plat fees: \$ 50.00 plus \$2.00 per lot</td></tr><tr><td>Final plat fees: \$ 50.00 plus \$2.00 per lot</td></tr><tr><td>Preliminary plan time extension \$ 25.00</td></tr></table>	<u>Proposed</u>	Preliminary plat fees: \$ 50.00 plus \$2.00 per lot	Final plat fees: \$ 50.00 plus \$2.00 per lot	Preliminary plan time extension \$ 25.00
<u>Current</u>										
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Preliminary plan time extension fee: \$5.00.										
<u>Preliminary plat re-submittal fee:</u> Where the approved preliminary plan has not been changed but the approval period has expired, the fee shall be one-half the preliminary plan fee.										
<u>Proposed</u>										
Preliminary plat fees: \$ 50.00 plus \$2.00 per lot										
Final plat fees: \$ 50.00 plus \$2.00 per lot										
Preliminary plan time extension \$ 25.00										

(b)	<u>Plan Checking and Filed Inspection Fees.</u>	
	<u>Current</u>	<u>Proposed</u>
	\$20.00 plus	\$ 100.00 plus
	3.00 per 100 L.F. of street	5.00 per 100 L.F. of street
	3.00 per 100 L.F. of sanitary sewer	5.00 per L.F. of Sanitary
	5.00 per 100 L.F. of storm sewer	7.00 per L.F. of Storm Sewer

Steven D. Hamit, P.E.
City Engineer

Date Given to Auditor:

Date Given to Council Clerk:

COPY
ORIGINAL
01-08-04 P02:40 OUT

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.

CROSS REFERENCES

Nonconforming uses - see P.& Z. Ch. 1179
 Accessory buildings - see P.& Z. Ch. 1181
 Off-street parking and loading - see P.& Z. Ch. 1183
 Signs - see P.& Z. 1187.03
 Residential entranceway - see P.& Z. 1187.05
 Residential fences - see P.& Z. 1187.08

1156.01 INTENT.

The R-CRD Condominium Residential District is designed exclusively for owner occupied condominium projects. The purpose of this district is to provide for alternative single-family housing options within the community. 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 by requiring the submission of development plans and establishing a review process to ensure that all developments are consistent with these regulations. (Ord. 47-2003. Passed 4-21-03.)

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. (Ord. 47-2003. Passed 4-21-03.)

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 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. (Ord. 47-2003. Passed 4-21-03.)

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 uses within the R-CRD District. (Ord. 47-2003. Passed 4-21-03.)

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:

- (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 feet; the side yard setback shall be fifteen feet; and the rear yard setback shall be thirty 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 feet.
 - (e) Each development shall be required to provide a minimum of open space equaling twenty percent (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. Such spaces shall be enclosed within a private garage attached to the dwelling.
 - (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 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 200 feet and shall terminate with a paved turn-around having an outside paved diameter of at least ninety feet.
- (Ord. 47-2003. Passed 4-21-03.)

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;
 - (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 copies of the plans and elevations of all structures, showing the architectural features and the types and materials of construction; and
- (d) Three 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:
 - A. Provisions restricting the use of each residential unit to use as a single-family residence; and
 - B. Provisions establishing each individual unit owner's exclusive right to the use of not less than two 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 establish the R-CRD District in accordance with the procedures of Chapter 1137.
(Ord. 47-2003. Passed 4-21-03.)

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 provisions 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.
(Ord. 47-2003. Passed 4-21-03.)

ADDENDUM TO THE AGENDA
MASSILLON PLANNING COMMISSION
JANUARY 14, 2004
7:30 PM
MASSILLON CITY COUNCIL CHAMBERS

2. Petitions and Requests

Right-of-Way Dedication on 16th Street SE

Location and Description: Lot 10403 and Part of Out Lot 305, located on the west side of 16th Street SE, south of Walnut Road, and North of Gibson Avenue. The request is to dedicate 25 feet off the front of these lots to the City of Massillon for roadway purposes. Lots 10403 and Out Lot 305 are zoned RM-1 Multiple Family Residential.

This property was approved by the Planning Commission on December 10, 2003 to be replatted into one lot.

Applicant: Aaron & Diane Pachis and The City of Massillon

5441	145.5	40
5440	145.5	40
5439	145.5	40
5438	145.5	40
5437	145.5	40
5436	145.5	40
5435	145.5	40
5434	145.5	40
5433	145.5	40
5432	145.5	40
5431	48.5	120
5430	48.5	120
5429	48.5	120
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14 TH ST SE

