

A G E N D A
MASSILLON PLANNING COMMISSION
MARCH 8, 2006 **7:30 P.M.**
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of February 8, 2006.*
2. *Petitions and Requests*

Final Plat – Cherry Springs Phase 1

Description: Part of Out Lot 91, located on the south side of Cherry Road NW, east of 17th Street NW. The proposal would create 5 new lots fronting on Cherry Road and includes the dedication of a portion of the existing street. The property is zoned R-1 single family residential.

Applicant: Marion, Francis, Thomas Co.

Sanitary Easement Plat - Cherry Springs Offsite Sewer

Property Description: Out Lots 100 and 102, located on the south side of Cherry Road NW, east of 17th Street NW. The proposal is to dedicate a 30-foot wide sanitary sewer easement to serve the Cherry Springs Developments. This easement would be on property owned by the City of Massillon and would allow the new development to tie into the existing trunk sewer. The parcels are zoned I-1 Industrial.

Applicant: Marion, Francis, Thomas Co.

Replat / Lot Split – Gail Avenue NE

Description: Lot 13569, located on the north side of Gail Avenue NE, east of Keuper Blvd. The proposal is to split the lot into two parcels. This split would also split the existing duplex in two. The property is zoned RM-1 Multi-family.

This would require variances to the following items: Section 1177.01 (e); open space and minimum distance between buildings RM-1

Applicant: Mark Percival for Pocock/Ahlstrom

Vacation / Dedication Plat-Wright State Drive SE

Description: Lots 16028 and 16029, located on the south end of Wright State Drive SE. The proposal is to vacate the existing temporary turn-around easement and dedicate a new temporary turn-around easement only on the east side of the street. This is a revision to the original University Village Phase 3 plat, and therefore requires a separate approval. The property is zoned R-T Two Family Residential.

Rezoning Request – Lincoln Way East

Property Description: Lots No. 4332 – 4339, located on the south side of Lincoln Way East between 22nd and 23rd Streets SE. The total site is approximately 1.81 acres in size.

Zone Change From: RM-1 Multiple Family Residential

Zone Change To: B-1 Local Business

Applicant: Carl Oser

Proposed Use: Demolish the existing dwellings on these properties and redevelop the site commercially.

3. Other Business

The Massillon Planning Commission met in regular session on February 8, 2006, at 7:30 P.M., in Massillon City Council Chambers. The following were present:

Members

Chairman Rev. David Dodson
Vice Chairman James Johnson
Mayor Francis H. Cicchinelli, Jr.
Sheila Lloyd
Todd Locke
Susan Saracina
David Hersher
Joseph Luckring

Staff

Aane Aaby
Marilyn Frazier

Rev. Dodson welcomed new member, David Hersher, to the Commission.

The first item of business was the minutes for the December 14, 2005, Commission meeting. Mr. Johnson moved for approval, seconded by Mr. Luckring, motion unanimously carried.

The next item under petitions and requests, was a final plat presented by Mr. Aaby.

Final Plat – Gray Ridge Estates Phase 1

Description: Out Lot 889, located on the east side of 27th Street SE, south of Harsh Avenue. The proposal would create 45 new lots and includes the dedication of 4 new streets on 16.01 acres. The property is zoned R-1 Single Family Residential.

Applicant: Barrington Framing Company/Ron Duplain

Mr. Aaby reported that Jason Haines, of the Engineering Department, was unable to attend due to another commitment, but provided the following comments:

The names Neal Circle and Keller Circle should be changed since they are already being used.

The set back requirements of Lots 1, 17, and 18, must be discussed with the Building Department.

Detention basin restrictions and turn-around easements to be shown on plat.

Mr. Duplain was present and commented that he wasn't aware that the names were already being used. He provided additional information concerning the inclusion of a swimming pool and clubhouse. James Walker, of 1326 Main Avenue West, was present and commented about the railroad tracks and possible chemical leaks in the area. Mr. Locke asked if the road met the necessary requirements. The reply was "yes." Rev. Dodson asked the about the policy of not using a street name, even if it is in a different quadrant of the city. Mayor Cicchinelli explained it could still create confusion. Developers are advised against using names that are in use. Mr. Locke then moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

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

Final Plat – West Brook Estates Phase 3

Description: Part of Out Lot 636, located on the east side of Woodforest Street NW. The proposal would create 26 new lots and includes the dedication of 2 new streets and the extension of Woodstone Avenue NW. The property is zoned R-2 Single Family Residential.

Applicant: Lockhart Development Company

Since there wasn't anyone present representing this request, Mrs. Saracina moved to table it, seconded by Mr. Locke, motion unanimously carried.

The next item was a sanitary easement plat presented by Mr. Aaby.

Sanitary Easement Plat – Concord Village

Property description: Out Lots 933, 856, located on the north side of Hankins Road NE, east of Wales. The request is to dedicate a 50-foot wide sanitary sewer easement to serve the Concord Village and Pebble Chase developments. The parcels are zoned R-3 Single Family Residential.

Applicant: Providence Development/Robin Warstler

This trunk sewer will serve both subdivisions and will be constructed prior to platting of Concord Village. Mr. Warstler was present and commented that this is necessary so the condominiums can be built. Mayor Cicchinelli moved for approval, seconded by Mr. Johnson, motion unanimously carried.

The next item was an easement plat presented by Mr. Aaby.

Easement Plat – Furnas Park

Property description: Out lot 425 and lots 10525, 12387; located on the south side of Hankins Road NE, east of 17th Street NE. The request is to dedicate a 20-foot wide storm sewer easement to serve the proposed Concord Village development. The parcels are zoned R-3 Single Family Residential and are owned by the City of Massillon Park System as Furnas Park Dog Park. This easement will also require approval by the Park and Recreation Board and City Council.

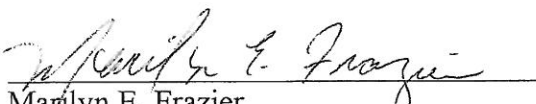
Applicant: Providence Development/Robin Warstler

Mr. Aaby reported that Mr. Haines informed him that the proposed storm sewer will replace an existing culvert under Hankins Road NE, which currently drains into the park. This will route storm water underground to the creek. This item will be on the Park Board's February 9, 2006, agenda also. Mr. Warstler added that this easement is necessary for the project. Mr. Locke moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

There being no further business before the Commission, the meeting adjourned at 8:00 P.M.

Respectfully submitted,

Approved:

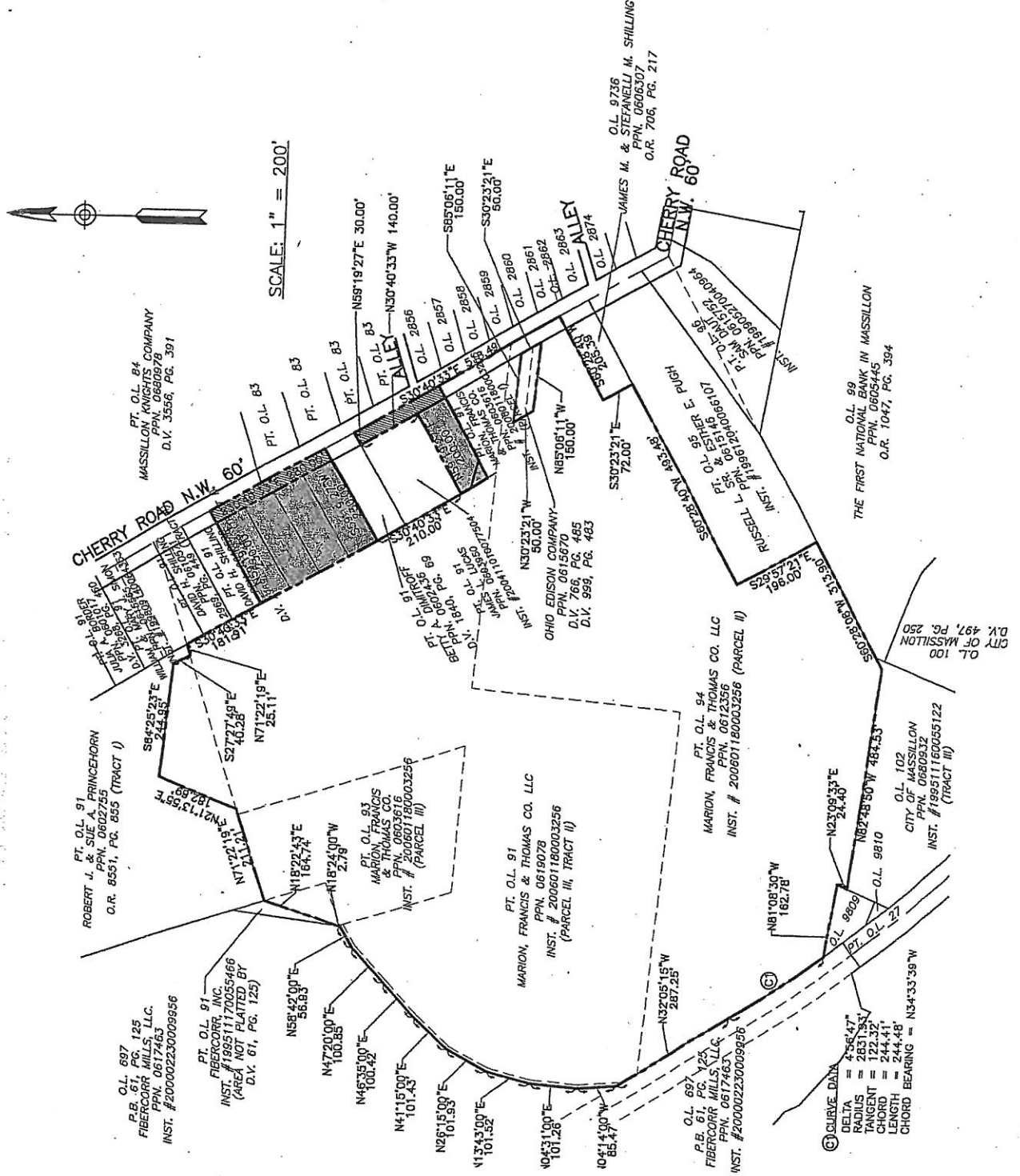

Marilyn E. Frazier
Commission Clerk

MEF/ky

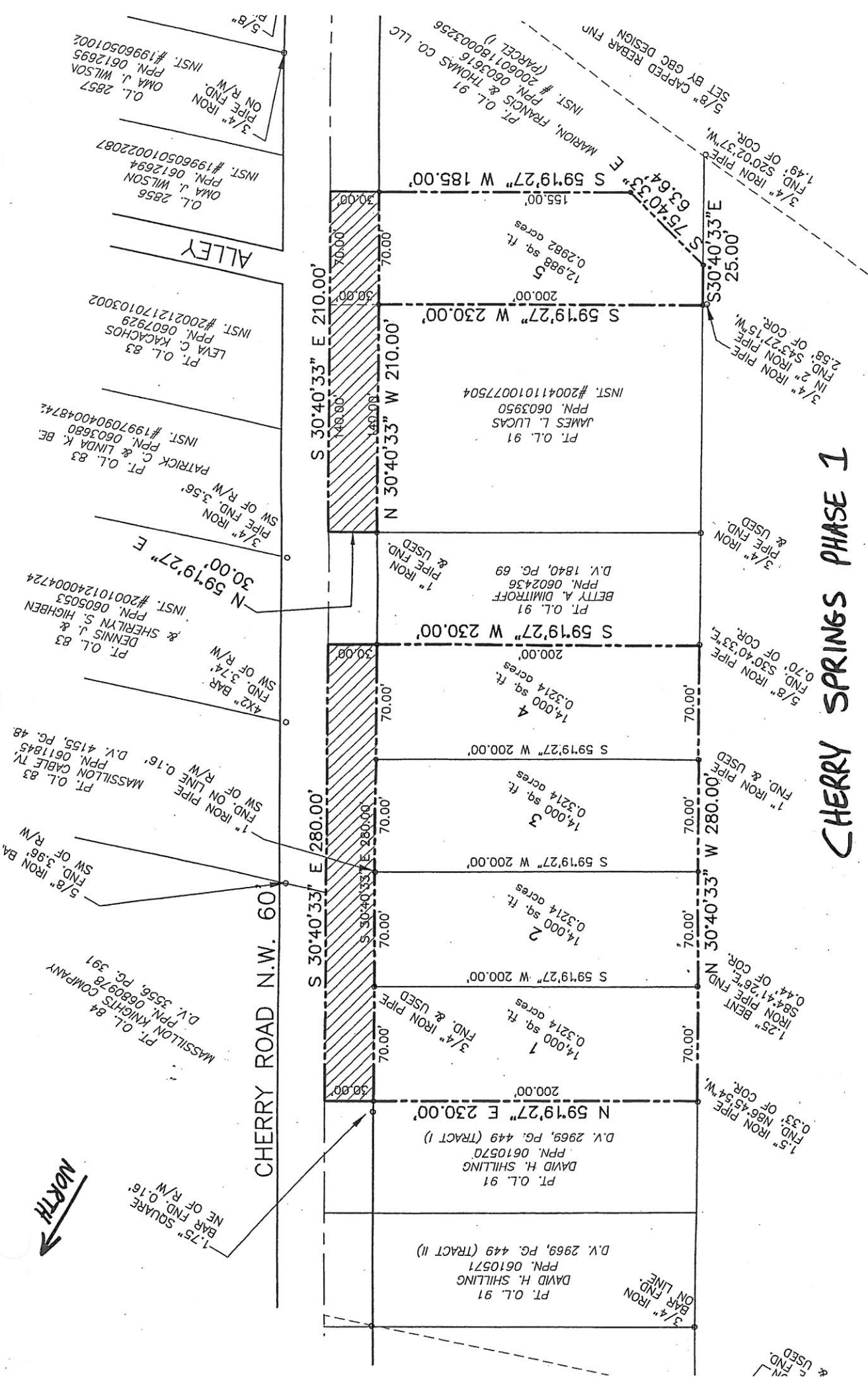
Final Plat – Cherry Springs Phase 1

Description: Part of Out Lot 91, located on the south side of Cherry Road NW, east of 17th Street NW. The proposal would create 5 new lots fronting on Cherry Road and includes the dedication of a portion of the existing street. The property is zoned R-1 single family residential.

Applicant: Marion, Francis, Thomas Co.



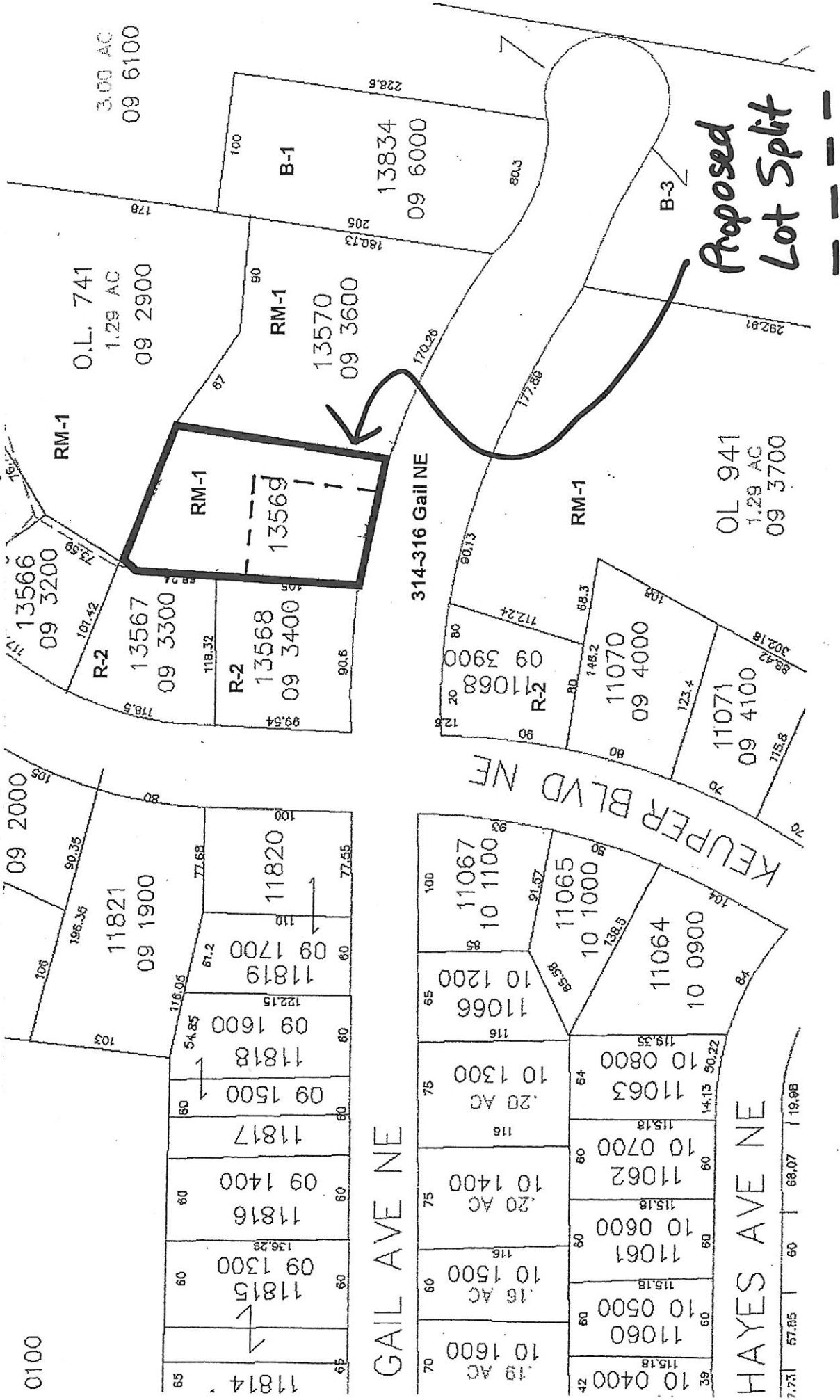
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Property Description: Out Lots 100 and 102, located on the south side of Cherry Road NW, east of 17th Street NW. The proposal is to dedicate a 30-foot wide sanitary sewer easement to serve the Cherry Springs Developments. This easement would be on property owned by the City of Massillon and would allow the new development to tie into the existing trunk sewer. The parcels are zoned I-1 Industrial.

Replat / Lot Split – Gail Avenue NE

Description: Lot 13569, located on the north side of Gail Avenue NE, east of Keuper Blvd. The proposal is to split the lot into two parcels. This split would also split the existing duplex in two. The property is zoned RM-1 Multi-family.



BROWN & PERCIVAL CO., L.P.A.
ATTORNEYS AT LAW

MARK R. PERCIVAL

PAUL E. BROWN
(1909-1999)

1231 LINCOLN WAY EAST
MASSILLON, OHIO 44646-6954

TELEPHONE: 330-833-8521
FAX: 330-833-9403
E-MAIL: percival@sssnet.com

February 24, 2006

Planning Commission
City of Massillon
153 Lincoln Way East
Massillon, OH 44646

Re: Planning Commission Meeting, March 8, 2006

Gentlemen:

The undersigned represents Donald E. Ahlstrom, Suzanne W. Ahlstrom, and Donald G. Pocock. Together, they jointly own Lot No. 13569 in the City of Massillon. The ownership of the lot is an undivided one-half (1/2) interest held by Donald E. Ahlstrom and Suzanne W. Ahlstrom, Co-Trustees of the Donald E. Ahlstrom Living Trust dated February 3rd, 2000, by Warranty Deed filed for record February 16, 2000 and recorded as Imaging No. 2000008957 of the Stark County Ohio Official Records, and an undivided one-half (1/2) interest held by Donald G. Pocock, by virtue of a Warranty Deed filed for record May 26, 1994 and recorded at Volume 1651, Page 583, Stark County Ohio Official Records.

On the property, there are presently two (2) separate, but identical houses with attached garages. The garage of the Ahlstroms shares a common wall with the back side of the Pocock house. See drawing submitted herewith. The homes are separately metered for electric, gas and water, but there is only one sewer bill to the property.

Mr. and Mrs. Ahlstrom and Dr. Pocock would like to divide Lot No. 13569 into two (2) separate parcels for the primary purpose of separate ownership for estate planning and/or sale of the property. The submitted drawing shows with a black magic marker the line along which the division would be made. The line would run through the common wall between the Ahlstrom garage and Pocock house on a general East/West direction to the edge of the Ahlstrom driveway. It would then follow the edge of the Ahlstrom driveway Southerly out to Gail Avenue, N. E.

Planning Commission
City of Massillon
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Since the buildings are already constructed on the property, it is necessary for the Massillon City Planning Commission to approve the division of Lot No. 13569. Please put this request on your agenda for March 8, 2006.

Thank you for your attention and cooperation in this matter.

Very truly yours,

BROWN & PERCIVAL CO., LPA

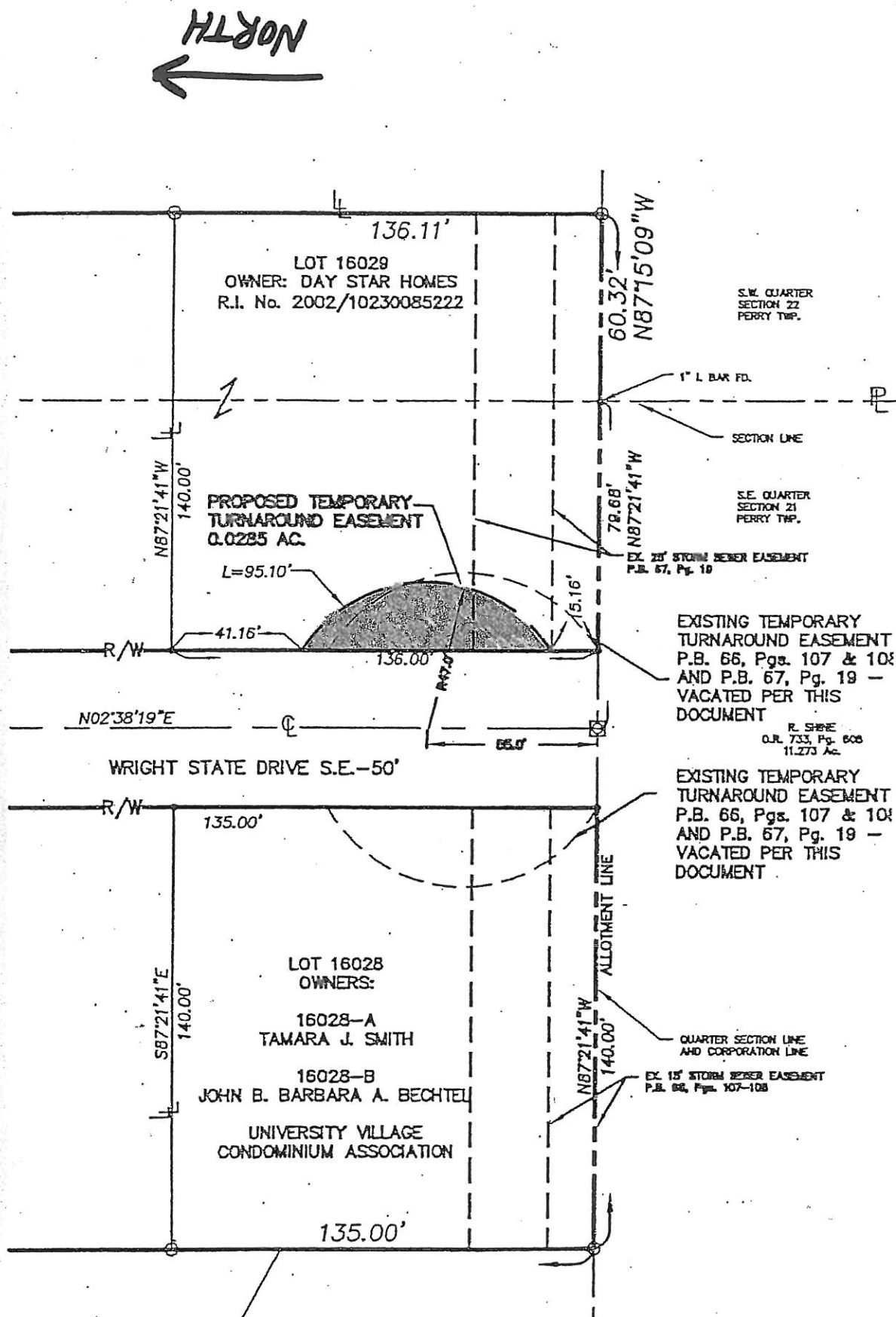
A handwritten signature in dark ink, appearing to read 'M. R. Percival', written in a cursive style.

Mark R. Percival

MRP:dag

Attachment

Description: Lots 16028 and 16029, located on the south end of Wright State Drive SE. The proposal is to vacate the existing temporary turn-around easement and dedicate a new temporary turn-around easement only on the east side of the street. This is a revision to the original University Village Phase 3 plat, and therefore requires a separate approval. The property is zoned R-T Two Family Residential.



Wright State Dr. Turn-Around

TEMPORARY TURN AROUND
UNIVERSITY VILLAGE - WRIGHT STATE
LOCATED IN
CITY OF MASSILLON, STARK COUNTY, OHIO
FOR: P.R.M.D.C.

SHEET
1 OF 1
PROJ.#
06132

COOPER & ASSOCIATES, LLP
ENGINEERS AND SURVEYORS
1358 MARKET AVE. NORTH
CANTON, OHIO 44704
PHONE: (330) 452-5731
FAX: (330) 478-9110

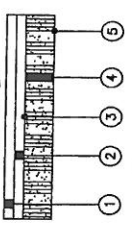
DRAWN BY: C.H.B.
CHECKED BY: B.J.A.
SCALE: 1"=30'
0 30



DEFINED WORK ITEMS

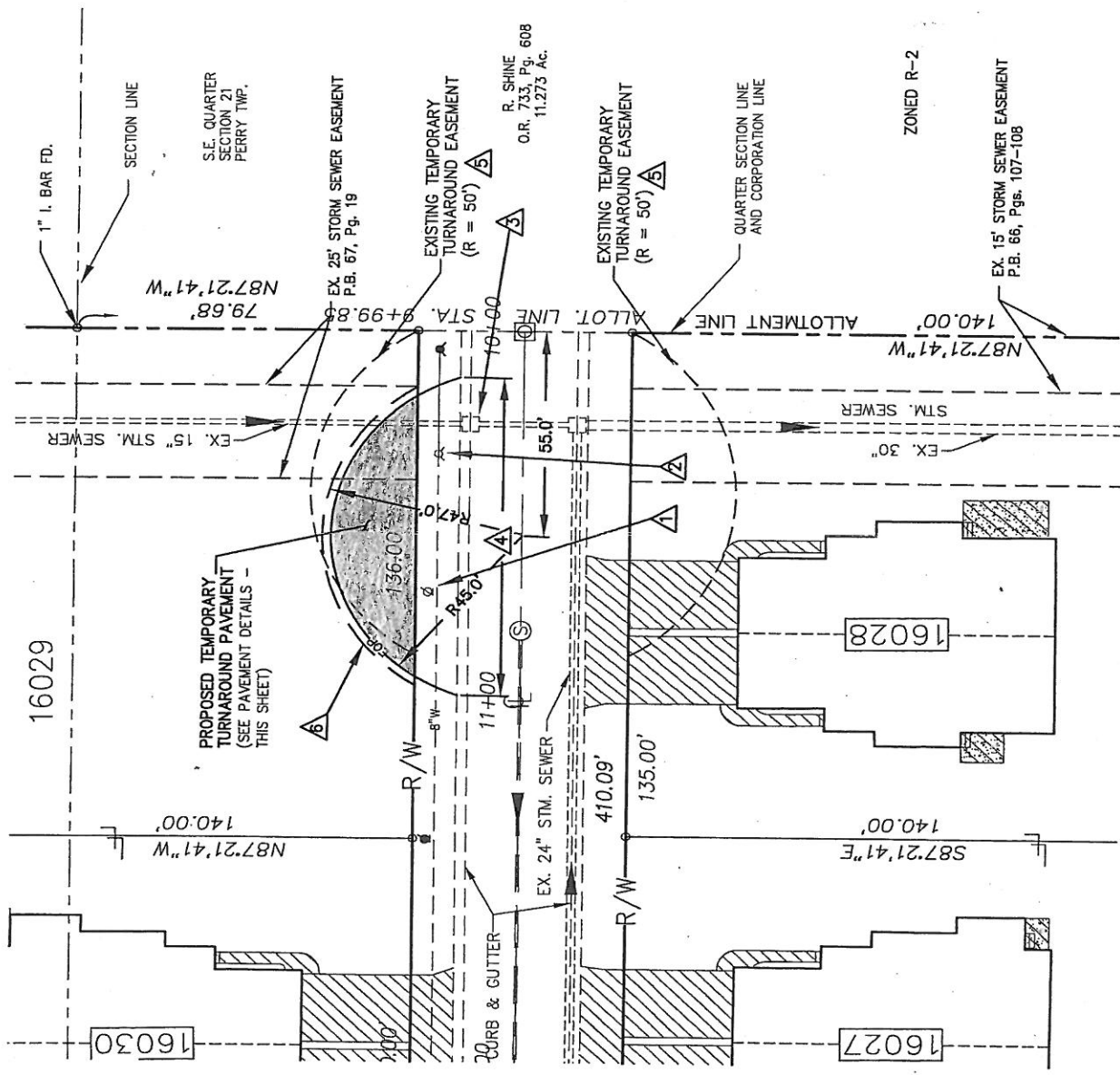
- 1 RELOCATE EXISTING LIGHT POLE TO LOT LINE AS PRESENTED.
- 2 EXTEND EXISTING WATER LINE AND RELOCATE EXISTING FIRE HYDRANT SOUTH, SET 4'-6" BEHIND CURB AT STA. 10+04.88 RT.
- 3 THE EXISTING CB CASTING (EJW #7030) SHALL BE MODIFIED FOR CONVERSION TO TYPE T3 BACK.
- 4 CONTRACTOR SHALL SAWCUT CURB (H=1.5") FROM STA. 10+12.42 RT TO STA. 10+97.32 RT.
- 5 EASEMENT TO BE VACATED BY SEPERATE INSTRUMENT.
- 6 EASEMENT TO BE CREATED BY SEPERATE INSTRUMENT.

2% CONTINUOUS SLOPE
TOWARD WRIGHT STATE PAVEMENT



- 1 404 - 1-1/2" ASPHALT CONCRETE SURFACE COAT
- 2 301 - 4" BITUMINOUS BASE COURSE
- 3 408 - BITUMINOUS PRIME COAT (0.4 GAL. PER SQ. YD.)
- 4 304 - 6" AGGREGATE BASE
- 5 203 - COMPACTED SUBBASE

PAVEMENT DETAIL



THE CITY OF MASSILLON, OHIO

INTERNAL CORRESPONDENCE

TO..... City Planning Commission

DATE December 14, 1988

FROM... Aane Aaby, Community Development Director

SUBJECT South Side of Lincoln Way East - Comprehensive Plan and Zoning Considerations

The City of Massillon's Development Plan for Future Land Use (1970) recommended that the south side of Lincoln Way East from Tremont Avenue to the east corporation limits be designated as a transitional land use zone. From a planning perspective, the purpose of a transitional designation is to guide land use decisions for the following types of uses: institutional (churches, clinics, convalescent homes), public and semi-public uses, offices, or multiple-family housing. This would imply encouraging either multiple-family residential or office zoning on the basis of the merits of a particular proposal and its applicability to total block frontage.

For example, office districts are seen as an excellent transitional use between commercial or industrial areas and residential neighborhoods. Moreover, they are generally aesthetic and generate less traffic than strip commercial. Shallow lot depths often plague major thoroughfare frontages and a large number of various office types can economically develop adequate sites on shallow parcels.

A strip or lineal pattern of commercial development along the City's major and secondary thoroughfares can result in a conflict between moving traffic and the turning and backing movements associated with parking. Because of the convenience shopping or automotive nature of such areas, there is often a high rate of turnover within the parking areas, thus increasing the conflict between moving traffic, turning movements into these facilities, and backing movements into traffic. The inherent problem of strip commercial areas is the provision of adequate parking areas free of pedestrian and vehicular conflict.

Through the enactment of a zoning ordinance, a municipality exercises its police power to regulate the use of land in order to promote the public health, safety, morals, and general welfare of the community. Zoning Ordinances must include a description of objectives, among which are included compliance with a comprehensive plan and lessening of traffic congestion on streets.

A City's zoning power, however, does not extend to unreasonable or arbitrary interference with private property rights. One factor that is often considered in rezoning questions is whether the present zoning classification of a parcel of property is unreasonable. Elements that are considered in determining whether a present classification is unreasonable are as follows:

1. The use and zoning of near-by properties.
2. The character of the neighborhood.
3. Its effect on property values.
4. The relative gain to the public as compared to the restrictions placed on the property owner.

Rezoning Request – Lincoln Way East

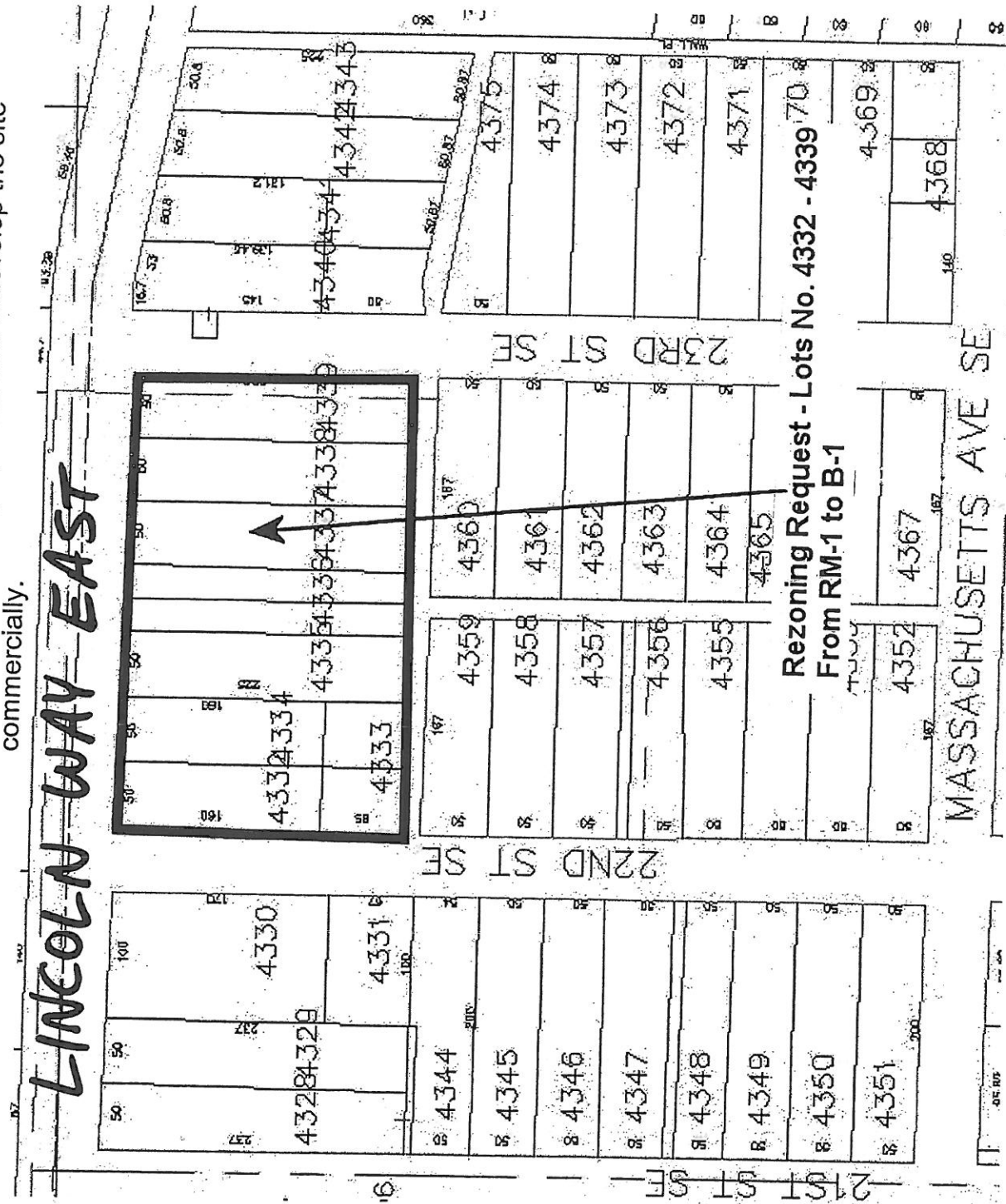
Property Description: Lots No. 4332 – 4339, located on the south side of Lincoln Way East between 22nd and 23rd Streets SE. The total site is approximately 1.81 acres in size.

Zone Change From: RM-1 Multiple Family Residential

Zone Change To: B-1 Local Business

Applicant: Carl Osler

Proposed Use: Demolish the existing dwellings on these properties and redevelop the site commercially.



REZONING REQUESTS: SOUTH SIDE LINCOLN WAY EAST, EAST OF 20TH STREET SE

APPLICANT	LOT NO.	LOCATION	YEAR	FROM	TO	PLANNING COMMISSION RECOMMENDATION	CITY COUNCIL ACTION
C. OSER	3641, 3642	2417 Lincoln Way East	1972	RM-1	B-1	Approval	Denied
PERCIBALLI & FERRANTE	4338-39	2235 Lincoln Way East	1978	RM-1	O-1	Approval	Denied
R. JONES	3636	2329 Lincoln Way East	1979	RM-1	O-1	Denial	Denied
R. JONES	3636	2329 Lincoln Way East	1981	RM-1	O-1	Approval	Denied
C. OSER	3641-45	2417-39 Lincoln Way East	1987	RM-1	B-1	Denial	Denied
C. OSER	3641-45, 4914	2417-43 Lincoln Way East	1987	RM-1	B-1	Denial	Denied
C. OSER	4328-4331	2109-2119 Lincoln Way East & 125 22nd SSE	1987	RM-1	B-1	Approval	Denied
C. OSER	3641-45	2417-39 Lincoln Way East	1988	RM-1	B-3	Denial	Denied
C. OSER	4328-4331	2109-2119 Lincoln Way East & 125 22nd SSE	1988	RM-1	B-3	Denial	Denied
C. OSER	4907	2515 Lincoln Way East	1988	RM-1	B-1	Denial	Denied
C. OSER	4338-39	SW corner of Lincoln Way East & 23rd St SE	1988	RM-1	B-1	Denial	Denied
C. OSER	3643-45	2400 block Lincoln Way East	1989	RM-1	B-3	Denial	Denied
C. OSER	4338-39	SW corner of Lincoln Way East & 23rd St SE	1989	RM-1	B-3	Denial	Denied
C. OSER	4338-39	SW corner of Lincoln Way East & 23rd St SE	1989	RM-1	O-1	Approval	Denied
C. OSER	3636-3670, 4328-4343, 4578-4583, 4907-4914, 6107-6116	South side Lincoln Way East from 20th - 26th SE	1990	RM-1	B-1	Denial	Denied
REZENBRINK ET. AL.	6108 - 6114	2017-2049 Lincoln Way East	1994	RM-1	R-1	Approval	Approved
C. OSER	4328-4331	2109-2119 Lincoln Way East & 125 22nd SSE	1994	RM-1	B-1	Denial	Denied
A RENTAL EMPORIUM	PT OL 329	2727 Lincoln Way East (Rear)	1995	R-1	B-3	Approval	Approved
C. OSER	4328-4331	2109-2119 Lincoln Way East & 125 22nd SSE	1995	RM-1	B-1	Denial	Denied
C. OSER	4328-4330	2109-2119 Lincoln Way East	1999	RM-1	B-1	Denial	Denied
E. SPERRY	3669	2551 Lincoln Way East	2003	RM-1	O-1	Approval	Denied