

A G E N D A
MASSILLON PLANNING COMMISSION
JANUARY 10, 2007 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of December 13, 2006.*

2. *New Business*

Lot Split / Replat – Neocom Industrial Park No. 3

Location: Part of Out Lot 569, located on the west side of Millennium Blvd. SE, north of Navarre Road. The request is to split a 10.523 acre lot from the larger tract for proposed industrial development. The property is zoned I-2 Industrial.

Applicant: Miller Land Development / Massillon Development Foundation

Replat – 727 14th Street SE

Location: Lots 8280 and 8281, located on the west side of 14th Street SE, north of Walnut Road. The request is to combine the existing lots together to form (1) new lot. The property is zoned R-1 Single Family Residential.

Applicant: John Berger

Replat and Dedication – 14th Street SE, 16th Street SE

Location: Lot 3406, located on the east side of 14th Street SE; and Lots 3419 and 3420, located on the west side of 16th Street SE, just south of Walnut Road. The request is to split the 3 existing lots each in half to form (6) new lots. These properties are part of the Ballinger Estates Phase 2 project. The property is zoned R-1 Single Family Residential. The proposal includes a small amount of R/W dedication for 16th Street SE.

Variance Request: **Section 1177.01, minimum frontage for lot in R-1 Zoning District. Zoning requires 65' frontage on public street, proposed lots are 56.10' frontage.**

Applicant: Massillon Homes LLC

Replat and Dedication - 32nd Street NW

Location: Lot 10213 and Out Lot 206, located on the west side of 32nd Street NW, north of Lincoln Way West. The request is to combine the existing lots together to form (1) new lot. The property is zoned R-2 Single Family Residential.

The City Engineer's office will require the dedication of the existing R/W of 32nd Street NW for this proposal.

Applicant: Crockett Homes / David Hayes

Rezoning Request – Lincoln Way East

Location: Lots No. 4328 - 4330, located on the south side of Lincoln Way East between 21st and 22nd Streets SE.

Zone Change: From: RM-1 Multiple Family Residential
To: B-1 Local Business

Proposed Use: Construct an approximate 8,000 square foot commercial building on this property.

Applicant: Andrew Oser

3. Old Business

***Massillon Planning Commission
December 13, 2006***

The Massillon Planning Commission met in regular session on December 13, 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.
David Hersher
Todd Locke
Sheila Lloyd
Joseph Luckring

Staff

Aane Aaby
Marilyn Frazier
Jason Haines
Keith Dylewski

The first item of business was the approval of the minutes for the Commission meeting of November 8, 2006. Mr. Johnson moved for approval, seconded by Mayor Cicchinelli, motion unanimously passed.

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

Preliminary Plat – Ballinger Estates Phase 2

Property description: Out Lot 303, located on the west side of 16th Street SE, south of Gibson Avenue. The request is to dedicate an extension of 15th Street and create 14 single family lots. The parcels are zoned RM-1 Multi Family.

Variance Request: Section 1109.03 (e) Horizontal Alignment; for a 100-ft. radius curve in place of the required 250-ft. radius curve.

Applicant: Massillon Homes LLC

This subdivision known as Ballinger Estates Phase 2, is the site of 14 of the 30 homes which will comprise Massillon Homes II. New streets and a request for a variance are also included in the plat. Sean Pietrowski, Civil Engineer, was present representing Massillon Homes LLC. Mr. Aaby commented briefly on the design features of the development, mentioning the buffer from Sinclair Village. Mayor Cicchinelli suggested rezoning the area since it is developed as Single Family. After a brief discussion, Mr. Locke moved to recommend approval, seconded by Mayor Cicchinelli, motion unanimously carried.

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

Lot Split and Replat – Virginia Street SE

Property description: Lots 6959, 6960, and 17177, located on the west side of Virginia Street SE, north of Harsh Avenue. The request is to split the properties into two new lots; one with an existing home and one for a new building site. This property contains a portion of the previously vacated Harold Avenue. The parcels are zoned R-1 Single Family Residential.

Variance Request: Section 1177.01, minimum square footage of lot in R-1 District.

Applicant: Ray Wood

There isn't sufficient land to meet setback requirements for the new house, so a variance is requested. Mr. Wood was present and stated he wishes to construct a house on this property. Mr. Locke asked about the minimum lot size, which is 7800 square feet. The property in question is 5400 square feet. Mayor Cicchinelli moved for approval, seconded by Mr. Hersher, motion carried 5 -1, with Mr. Locke voting *no*.

The next item was an alley vacation and replat presented by Mr. Haines.

Alley Vacation and Replat – Sixth Street SW

Property description: An unnamed 15-ft. wide alley, lying between Tremont Avenue SW and Lincoln Way West and running in an east/west direction between Sixth Street SW and Fifth Street SW. The request is to vacate that portion from Sixth Street SW easterly approximately 156 ft. This property will be divided equally amongst the petitioners and replatted into the adjoining lots.

Applicant: Jessica McCune/Faith Evangelical Church

This alley wasn't installed, nor improved. The Church uses a portion as a driveway to the parking lot. The McCunes and Faith Evangelical Church have signed the petition. Mr. McCune was present and commented that the two adjoining owners have been utilizing the property but didn't realize it was publicly owned. Mr. Johnson moved for approval, seconded by Mayor Cicchinelli, the motion was unanimously approved.

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

Rezoning Request - Rite Aid Drug Store

Location: Part of Out Lot 347 and Part of Out Lot 571, an approximate 1.5 acre vacant parcel of land located on the southeast corner of the intersection of Wales Road NE and Hills & Dales Road. The subject parcel is currently part of property owned by St. John's Lutheran Church of Massillon, 1900 Wales Road NE.

Zone change: From R-3 Single Family Residential to B-1 Local Business Residential.

Proposed use: Construct a Rite Aid Drug Store on this property.

Applicant: Newton, Oldacre, McDonald LLC (Attorney Scott Miller, Agent)

The application was filed by Attorney Scott Miller, representative of Rite Aid Stores. Both sides of Wales Road are zoned R-3 Single Family Residential. The next block is B-1 Local Business. Rite Aid has looked at the location previously. This is a high traffic area. If the rezoning is approved, Rite Aid is planning to make improvements to both Wales and Hills and Dales Roads. Attorney Scott Miller was present and said they had scheduled three meetings with area residents. He said they have also tried to respond to the residents' concerns by having a traffic study conducted, expanding notification to area residents, adding buffers to the plans, and agreeing to improve the intersection.

Mark Belmont, who participated in the traffic study, was present and commented on it. He referred to the proposed use as a low-impact commercial use. He also said the proposed street improvements would manage the traffic better.

Dennis Brown, 6283 Meadowsweet Avenue, Canton, who is a member of St. John's Church, was present and commented that selling this property would help the Church.

Mike Halco, 2990 Pigeon Run, a long-time member, provided some history of the Church.

Richard Sailer, 3313 Banyan Street, W, expressed some concern about land usage.

Jim Snively, 1827 Coventry NE, thinks the proposal will have a detrimental effect on property values.

Ron McConnell, 1234 Lennox Avenue NE, said he is opposed to the proposal.

Keith Graber, 1943 Wales NE, complained about traffic in area.

Kenneth Avers, 1725 Chittenden Circle NE, expressed concern about Rite Aid remaining at the location long term and possible subsequent uses for the building.

Jon McFarren, 1752 Wales NE, presented a petition against the request which is attached to the original copy of these minutes.

Kathy Wells, 1312 Lennox Avenue NE, commented that she has worked three jobs to afford the quality of life, not being surrounded by her students that her neighborhood provides. She is opposed to the rezoning.

Paul Cooper, 4925 Rondale Circle NW, who is a member of the Church, talked about the Church and its benefit to the community.

Michel Krnach, 2532 Helena Avenue NW, talked about the Church's mission.

❖ *There was a brief recess*

Trisha Merchant, 1635 11th Street NE, was against the proposal.

Margaret Sturm, 2051 Stockton Road NE, spoke on behalf of the Church.

Norman Woods, 1821 Wales Road NE, spoke against the proposal.

Sarita Cunningham, 1167 Lennox Avenue NE, also is opposed to the request.

Tom Goodrick, 1025 Carnation Street NE, expressed opposition due to increased traffic.

Tim Bloomquist, 1842 Coventry NE, opposed the request.

Larry Finefrock, 1224 Lennox Avenue NE, opposed the idea.

Randy Lamp, 1256 Lennox Avenue NE, commented he has been in his house for 12 years and is against the request because of traffic and decreased property values.

Norman Woods commented on the high number of accidents.

Emily Robertson, 1229 Lennox Avenue NE, was opposed

Margy Vogt, 1306 Lennox Avenue NE, feels the development would harm the appearance of the community.

Susan Yund, 1315 Lennox Avenue NE, said she is opposed due to safety issues and property values.

Joel Vogt, 1306 Lennox Avenue NE, expressed opposition because of quality of life.

Bob Yund, 1315 Lennox Avenue NE, said he'd like it to remain residential.

Ward 1 Councilman Ron Mang commended the residents for coming out on the issue.

Mr. Locke asked about the effect of such a development on property values. No verified data was available. He also asked about the store in the plaza. The answer was that Rite Aid is interested in relocating stores out of shopping centers for convenience and other reasons. Mr. Hersher asked to again see the zoning map of the area. Mr. Johnson expressed concern about the existing traffic problems in the area. He further added he doesn't feel the developer's road improvement plans, as explained, will alleviate the problems. Mayor Cicchinelli pointed out some changes that had occurred, but not noted on one of the maps.

Greg Kuenning, representing Rite Aid, commented that it isn't Rite Aid's intention to come into an area against the people's wishes. He also added that the traffic study is correct, having been conducted by professionals. Mayor Cicchinelli then moved to recommend denial, seconded by Mr. Johnson, the motion unanimously approved by roll call vote.

❖ Second brief recess to allow people who wished to leave to do so.

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

Rezoning Request – Bella Villas

Location: Lots No. 17112 – 17117, a total of 5.022 acres of vacant land, located on the northwest corner of Hankins Road NE and Valerie Avenue NE.

Zone change: From R-3 Single Family Residential to R-CRD Condominium Residential District

Proposed use: Construct a total of 16 single family, villa-style homes

Applicant: Gino & Louise Perciballi, Debbie Ferrante

At present, the property consists of 6 R-3 single family lots and is a little over 5 acres. The general area has been developed during the last 6 years. These units will differ from the condominiums in the area because rather than being attached, they will be individual units. Mr. Aaby also described the existing adjacent land uses in the area.

Attorney Thomas Ferrero was present representing the owners, Gino & Louisa Perciballi. He introduced Debbie Ferrante, who is a realtor with Remax. Ms. Ferrante explained that the proposal is to construct 16 single family villas. She added the homes are ideal for baby boomers and single people. She feels they will sell in today's market and would be good for the city. She provided a description of the units. The selling price would be around \$189,000 - \$200,000. Engineer Bob Hoover, of Hoover and Associates, added this is a product for smaller tracts of land, allowing for 3.2 units per acre, which is less dense than allowable. Condominium owners would be buying interior walls. The exterior walls, roof, sidewalks, lawn, driveway, and landscaping are maintained by an association. They feel the layout creates a nice private neighborhood.

Ed Davila, representing Guy Cicchini, expressed opposition on behalf of Mr. Cicchini because of higher traffic and other issues.

Marshall Chalfent, 1201 Valerie NW, is opposed due to traffic and what was supposed to be constructed in the area.

Tom Goodrich, 1038 Carnation Avenue NE, said he can't envision 16 units on that small 5-acre lot.

Ann Arnold, 2012 Hankins Road NW, was concerned about traffic and safety.

Susann Clapper, 1725 Kenyon Avenue SW, said it is too many houses.

Claudette Istnik, 1812 Wales Road NE, said when she was on Council, the people were promised there would be no more condominiums, therefore, the 6 lots should remain R-3 Single Family. She is opposed.

Mayor Cicchinelli then moved to deny the request, seconded by Mr. Luckring, motion to deny passed unanimously.

The final item for the evening was a rezoning request presented by Mr. Aaby.

Rezoning Request – Cottrill Annexation

Location: An approximate 76 acre parcel located on the west side of Kenyon Avenue NW, south of Wooster Street.

Zone change: From Tuscarawas Township (no zoning) to A-2 General Agricultural District

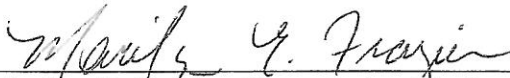
Proposed use: Natural Resources Conservation Area Parkland

Applicant: City of Massillon

The City has negotiated with the owner to acquire this property to be kept as a natural preserve, therefore, the requested zoning is A-2 General Agricultural. Mr. Locke moved for approval, seconded by Mr. Johnson, motion unanimously carried.

There being no further business before the Commission, the meeting adjourned at 10:10 P.M.

Respectfully submitted,


Marilyn E. Frazier, Commission Clerk

Approval:

MEF/ky

Lot Split / Replat – Neocom Industrial Park No. 3

Location: Part of Out Lot 569, located on the west side of Millennium Blvd. SE, north of Navarre Road. The request is to split a 10.523 acre lot from the larger tract for proposed industrial development. The property is zoned I-2 Industrial.

Applicant: Miller Land Development / Massillon Development Foundation

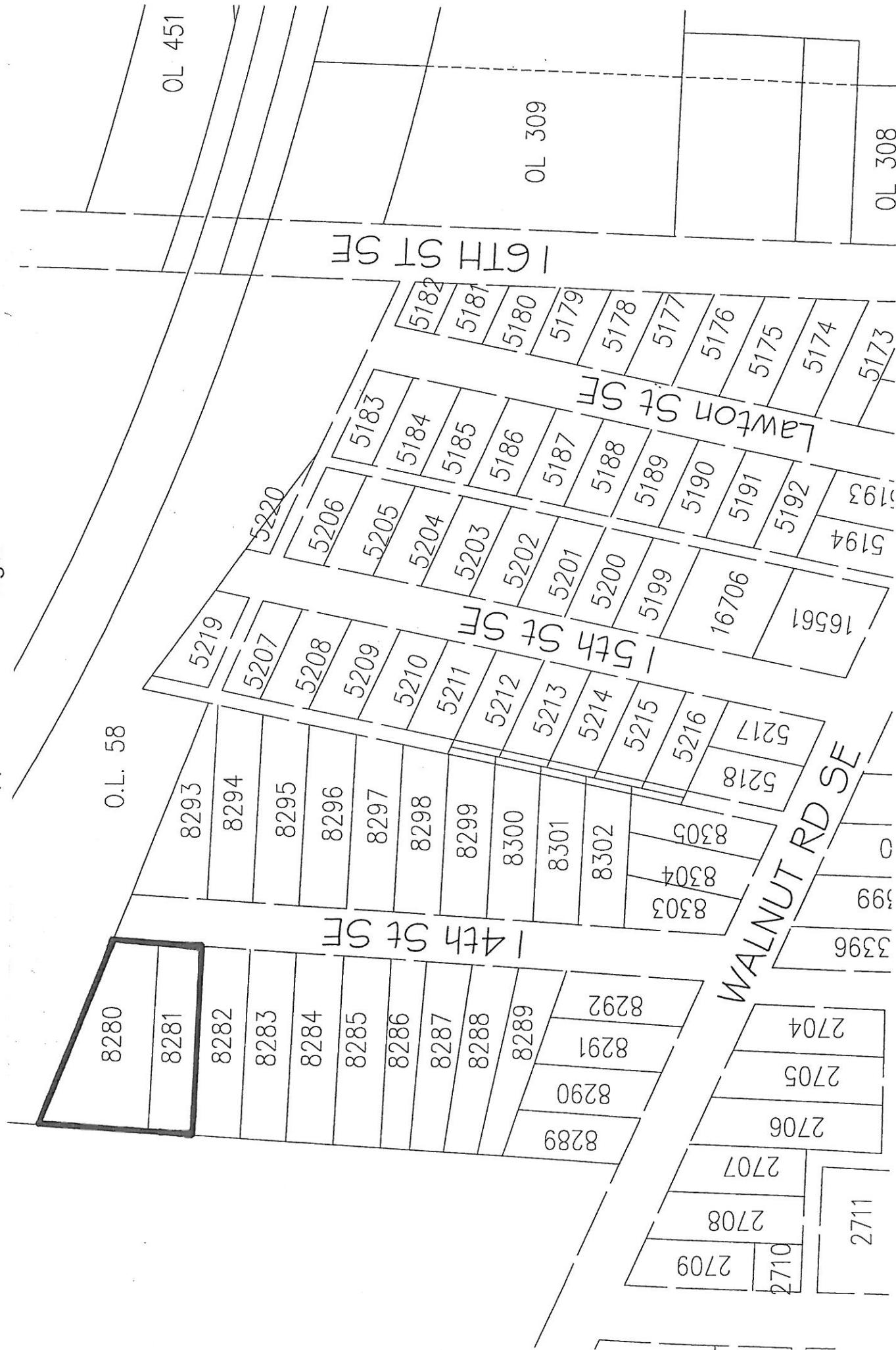


Replat - 727 14th Street SE

Location: Lots 8280 and 8281, located on the west side of 14th Street SE, north of Walnut Road. The request is to combine the existing lots together to form (1) new lot. The property is zoned R-1

Single Family Residential.

Applicant: John Berger



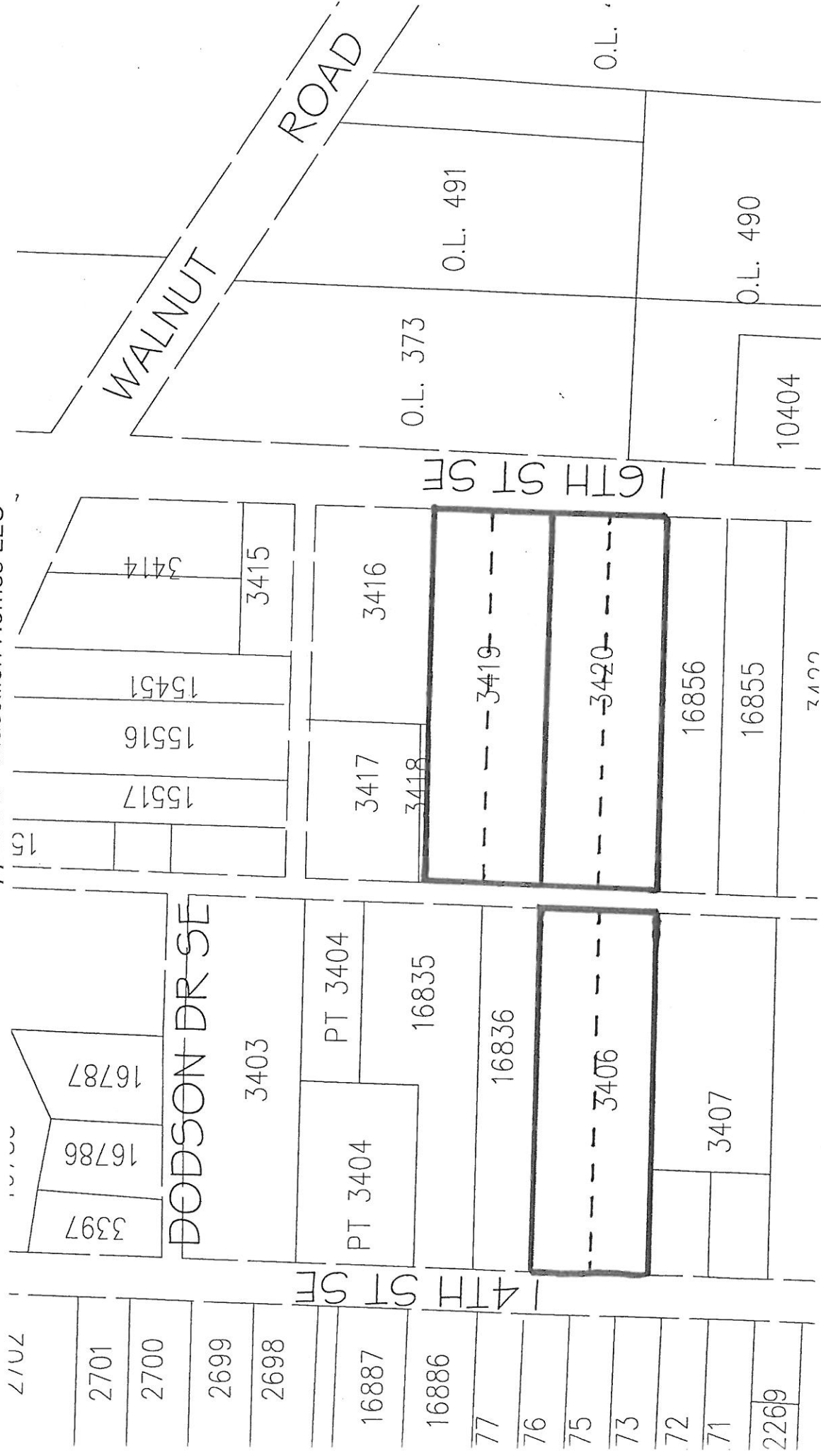
Replat – 14th Street SE, 16th Street SE

Location: Lot 3406, located on the east side of 14th Street SE; and Lots 3419 and 3420, located on the west side of 16th Street SE, just south of Walnut Road. The request is to split the 3 existing lots each in half to form (6) new lots. These properties are part of the Ballinger Estates Phase 2 project.

The property is zoned R-1 Single Family Residential.

Variance Request: Section 1177.01, minimum frontage for lot in R-1 Zoning District. Zoning requires 65' frontage on public street, proposed lots are 56.10' frontage.

Applicant: Massillon Homes LLC



Replat and Dedication - 32nd Street NW

Location: Lot 10213 and Out Lot 206, located on the west side of 32nd Street NW, north of Lincoln Way West. The request is to combine the existing lots together to form (1) new lot. The property is zoned R-2 Single Family Residential.

The City Engineer's office will require the dedication of the existing R/W of 32nd Street NW for this proposal.

Applicant: Crockett Homes / David Hayes

UL 200



MASSILLON CSD
BOARD OF EDUCATION
DEED 2619.291

OUTLOT 207

Area to be
Dedicated

BASIS OF BEARINGS

S 85°55'00" E 732.29' obs 734.81' rec

M.A. & C.M. PETERS
#2000509070055014

NEW OUTLOT No. _____
1.933 Ac total

OUTLOT 206
(1.565 AC.)

280.30' rec & set

LOT 10213
(0.368 AC.)

3/4" BAR
USED FOR
NORTH LINE

EXIST
DMLG

GAR

SHED

SHED

N 85°55'00" W 719.73' obs 717.10' rec

PART OUTLOT 205
K.S. & M.L. WADE
O.R. 916-936

OUTLOT 204

PART OUTLOT 205

R/W

32ND STREET N.W. 60'
11°16'46" E 254.21' obs 253.30' rec

(RR "C", PC. 305)
S 11°16'46" W 30.00' obs 116.90'

JORMAY A1
N.W. 50'

14737

14738

14730

1/2" BAR
FD & USED

1/2" BAR
FD & USED

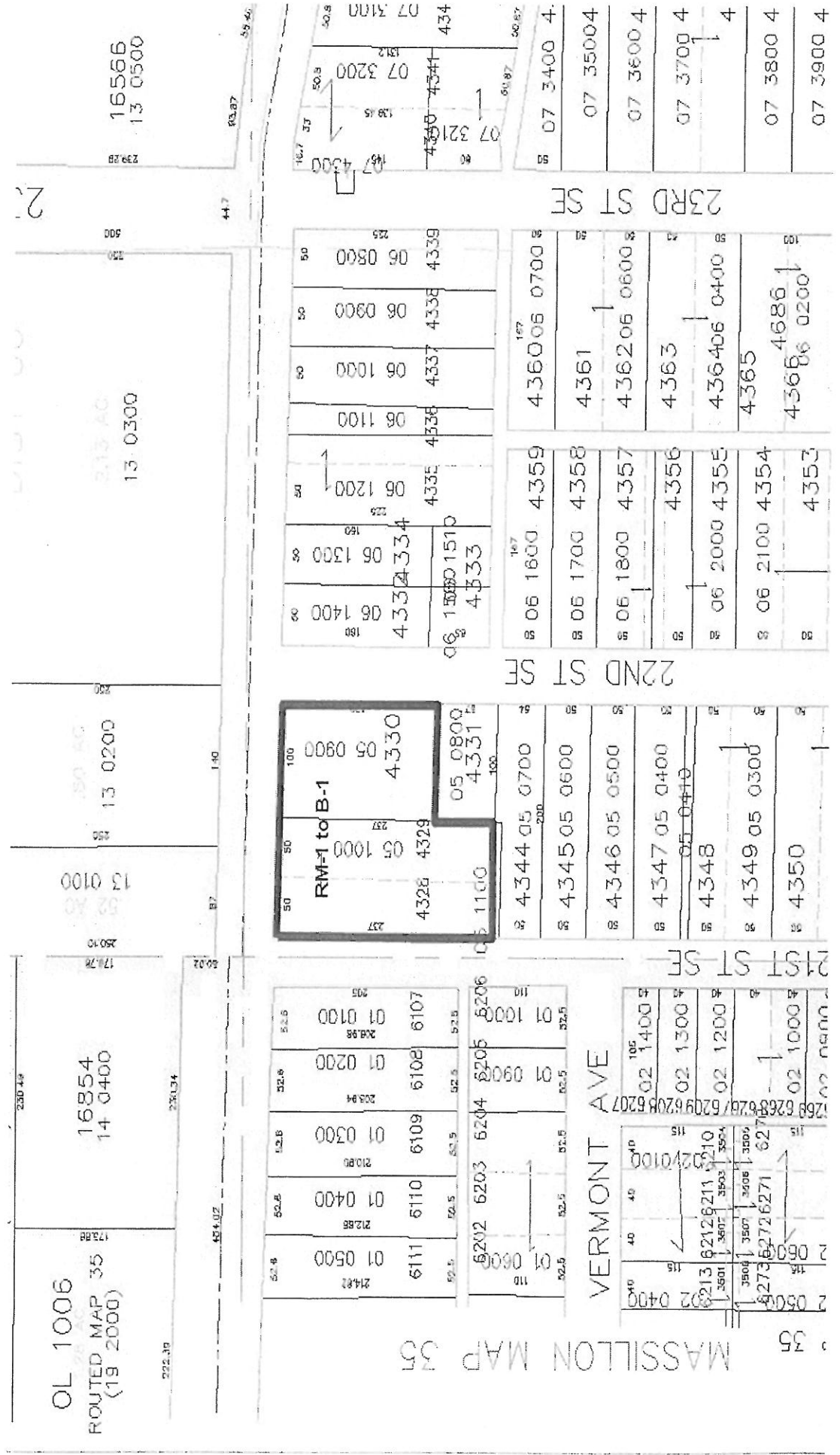
14736

Rezoning Request – Lincoln Way East

Location: Lots No. 4328 - 4330, located on the south side of Lincoln Way East between 21st and 22nd Streets SE.

Zone Change: From: RM-1 Multiple Family Residential
To: B-1 Local Business

Proposed Use: Construct an approximate 8,000 square foot commercial building on this property.
Applicant: Andrew Oser



1 plus

**RESIDENTS AGAINST REZONING OF 1/5 ACRES OF RESIDENTIAL
PROPERTY CURRENTLY OWNED BY ST. JOHN'S LUTHERAN
CHURCH TO B-1 LOCAL BUSINESS FOR A RITE AID STORE**

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
Yvonne Lee	1755 Springhaven Cir NE	844-1744
Ricardo & ROSA LIHARD	1771 Springhaven NE	832-0858
ROSA & TIMAR	1771 Springhaven	
Robin Schumacher	1784 Springhaven Cir NE	837-1779
Jonathan Millwood	1792 Springhaven Cir NE	830-2134
John Moore	1798 Springhaven Cir NE	830-0481
Scott Hack	1351 Springhaven Cir NE	837-0013
Janet Hack	1351 Springhaven Cir NE	837-0013
Raul Loosic	1348 Springhaven Cir NE	837-3674
Norm Woods	1821 Wales Rd NE	837-5379
Cheryl Woods	" " "	"
JOHN ISTNICK	1812 WALES RD. N.E.	837-2253
Claudette Istnick	1812 Wales Rd NE	837-2253
TIMOTHY J STORM	1809 Wales Rd NE	835 6183
Spitch Robinson	1766 Wales Rd NE	354-3518
Rachel Robinson	1766 Wales Rd NE	833-1491
JAMES H PARKINSON	1333 Providence Rd NE	833-4278
Sharon K. Smith	1726 Wales Rd NE	833-1436
Mike Smith	1726 Wales Rd NE	833-1436
Janet Alper	1324 Springhaven Cir NE	837-8223
Pat Sullivan	1332 Springhaven Cir NE	837-5016
SUE E. SCHUMACHER	1335 SPRINGHAVEN CIRCLE NE	833-5735
B.U. Carr	1740 Chatterton Cir NE	834-1391
Kim Ovens	1725 Chatterton Cir NE	837-4346
Christine Ovens	1725 Chatterton Cir NE	837-4346
Ellen Ovens	1407 Springhaven Cir NE	833-5472
Larry Ovens	1407 Springhaven Cir NE	833-5472
Luise Ovens	1414 Springhaven Cir NE	837-3123
Gary Ovens	1414 Springhaven NE	" " "
Fancy Palmer	1422 Springhaven NE	832-3480
Jill Spriggs	1431 Springhaven NE	837-6521

Mike Smith
KIMOTH
AVERS
CHRISTINE
AVERS

1 plus

**RESIDENTS AGAINST REZONING OF 1/5 ACRES OF RESIDENTIAL
PROPERTY CURRENTLY OWNED BY ST. JOHN'S LUTHERAN
CHURCH TO B-1 LOCAL BUSINESS FOR A RITE AID STORE**

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
Susan Yung	1315 Lennox Ave NE	330-8104-6930
Lillian Eckard	1339 Lennox Ave N.E.	330-832-9150
Robert K. Yung	1315 LENNOX AVE NE	330-806-6325
Margaret E. Vogt	1306 Lennox Ave, NE	330-832-8469
John Vogt	1306 Lennox Ave, N.E.	330-832-8469
Paula Vogt	1256 LENNOX AVE NE	330-887-0900
Shirley Lamp	1256 LENNOX NE	330-837-0900
Barbara P. Porter	1318 Lennox Ave NE	330-833-8619
Ray (Kiddie)	1312 Lennox Ave NE	330-832-7117
Michael Palmer	1835 Country Rd NE	330 832-7009
Jim Palmer	1835 Country Rd NE	330 832 7009
N. Jean Floth	1251 Lennox Ave. NE	330 837-2242
Sandra McConnell	1234 Lennox Ave NE	330 832-4530
Hon M. McConnell	1234 Lennox Ave NE	330-832-4530
Marshall Winkler	1156 Lennox Ave NE	330-832-6987
Marion Winkler	1156 Lennox Ave NE	330-832-6987
Margie Shagle	1170 Lennox NE	330-833-6510
Jan W. Shagle	1170 Lennox Ave NE	330-833-6510
Patrick J. Bessler	1210 Lennox Ave NE	330-837-9549
Patricia Egan	1204 Lennox NE	330 832 6139
Diane Mobley	1241 Lennox Ave NE	330-832-3549
Emily Robertson	1229 Lennox Ave NE	330-832-6621
James Robertson	1229 Lennox Ave N.E.	330-832-6621
Samuel K. Rieple	1941 Coventry NE	330-833-3834
Theodore W. Rieple	1941 Coventry Rd NE	330-833-3834
Tim Rieple	1942 Coventry Rd NE	330 247 0224
Kelly Wicks	1312 Lennox Ave NE	330-832-7117

<u>Name</u>	<u>Address</u>	<u>Phone</u>
Tanet Rhodes	1723 Springhaven Cr. NE	330-880-4663
HERB Brittain	1744 " " " "	330-837-4733
Tony L. Shiplett	1731 Springhaven Cir N.E.	330-830-2441
LESLIE WOOD-Shiplett	1731 Springhaven Cir NE	330-830-2441
TRACY YOUNG	1752 Springhaven NE	330-833-4119
KEVIN D. COFFEY	1776 Springhaven NE	330-837-5631
Margaret R. Coffey	1776 Springhaven NE	331-5631
Theresa Ann McFarren	1752 Wales Rd NE	833-0577
Dean Mullen	1763 Springhaven	830-8176
Bennie McGowan	1763 Springhaven NE	830-8176
Mary Jo Miley	1423 Speckman - NE	330-832-0021
James E. Wack	216 Skene NE	330-832-5455
Beth Donakue	216 Skene N.E.	330-832-5453
Greg Baker	1744 Wales Rd NE	330-832-0392
Willa E. Curaba	1768 Springhaven	330-832-6071
Michael J. Vasant	1760 Springhaven	330-832-9816
Lindsay Latontaine	1760 Springhaven Cir NE	330-832-9814
Ken Fesche	1415 Springhaven NE	330-833-0921
Mary White	1316 Springhaven Cir	(330) 837-6710
Jon McFarren	1752 WALEY RD NE.	(330) 833-0577

1 plus

**RESIDENTS AGAINST REZONING OF 1/5 ACRES OF RESIDENTIAL
PROPERTY CURRENTLY OWNED BY ST. JOHN'S LUTHERAN
CHURCH TO B-1 LOCAL BUSINESS FOR A RITE AID STORE**

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
Kelly Salin	1827 Wales Rd NE	834-1730
Hope James	1835 Coventry Rd NE	832-7009
Michael James	1835 Coventry Rd NE	832-7009
James O'Connor	1834 Coventry Rd NE	832-6946
James J. Feller	1259 Providence Rd NE	833-1122
Rich Fuss	1235 Providence NE	832-8704
William Baker	1235 Providence NE	832-8704
Donna Smith	1230 Providence NE	832-6423
Jim Smith	1221 Providence NE	833-3316
David W. Schults	1221 Providence N.E.	833-3316
Margaret Bryan	1209 Providence NE	832-5296
Walter Salin	1827 Wales Rd. N.E.	834-1730
Bill Smith	1820 Coventry Rd. N.E.	833-7532
Jane Ameyres	1820 Coventry Rd NE	833-7532
Bob Feller	1248 Providence Rd NE	330-837-4175
Charles W. Weiser	1310 Providence Rd NE	330 833-4566
Nancy J. Weiser	1310 Providence Rd NE	330 833-4566
Mary Smith	1740 Coventry NE	330-837-0632
Markia J. Smith	1309 Springhill Ave NE	330-837-0443
Sandra Smith	1406 Springhaven Cr. NE	330-837-9857
Lee Bully	1406 Springhaven Cr. NE	330-837-9857