

A G E N D A
MASSILLON PLANNING COMMISSION
MAY 9, 2007 7:30 P.M.
CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of April 11, 2007.*
2. *New Business*

Rezoning Request – 1st Street & McCadden Ave NE

Property Description: Lots No. 2678, 2683, 2684, 2685, 2686, 15434, 15435, and Out Lot 160, located on east side of 1st Street NE and the south side of McCadden Avenue NE. The total site is approximately 1.91 acres in size.

Zone Change From: RM-1 Multiple Family Residential, R-T Two Family Residential, and R-1 One Family Residential

Zone Change To: B-3 General Business

Applicant: National Land Company LLC (Michael & Rochelle Farina)

Proposed Use: Development of a retail commercial shopping area.

Replat - Erie Street South

Location: Parts Out Lots 719 and 720, located on the east side of Erie Street South; and south of Sterilite Street. The request is to replat the parcels slightly to allow for a new railway line. This property split is in conjunction with a survey of the surrounding property and is part of the former Fleming Foods facility. The property is zoned I-1 Light Industrial.

Applicant: Hammontree and Associates / Massillon Management

Alley Vacation / Replat: 14th Street NW

Location: An unnamed 12 foot alley lying between Main Avenue West and Lincoln Way West and running in an east / west direction between a 16-foot alley and 14th Street NW. The request is to vacate that portion from 14th Street NW westerly approximately 120 feet to the west line of lot 4241. The vacated alley will then be replatted together with lots 4238, 4239, 4240, 4241. The property is zoned R-1 Single Family.

Applicant: Jacob Cary and Mandy Martin

Replat and Dedication Plat: Nave Road SE

Location: Parts Out Lots 560 and 566, located on the north side of Nave Road; east of Route 21. The request is to replat a 22+ acre parcel into 2 new parcels and includes the dedication of Nave Road and Delivery Drive right-of-way. The property is part of the former State Hospital and is zoned I-1 Light Industrial.

Applicant: City of Massillon

3. Old Business

Massillon Planning Commission

April 11, 2007

The Massillon Planning Commission met in regular session on April 11, 2007, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Members

Vice Chairman James Johnson
Mayor Francis H. Cicchinelli, Jr.
David Hersher
Susan Saracina
Sheila Lloyd

Staff

Aane Aaby
Marilyn Frazier
Jason Haines

The first item of business was approval of the minutes for the Commission meeting of March 14, 2007. Mr. Hersher moved for approval of the minutes as prepared, seconded by Ms. Lloyd, motion unanimously carried.

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

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: Commercial development

This request is for a series of lots between 22nd and 23rd Streets SE, on the south side of Lincoln Way East, totaling 1.81 acres in size. This property was the subject of a rezoning request last year. The City's Master Plan calls for transitional uses for this area, which is why it is zoned Multiple Family Residential. Part of the reasons is the small lots would create a traffic hazard. Over the years, some changes have occurred since Mr. Oser has purchased the properties and demolished the structures assembling what he feels are some developable parcels. There is no commercial zoning on the south side of Lincoln Way, even though there are some legal non-conforming uses, which are consistent with the Master Plan. The question for the Planning Commission is: *has the area changed sufficiently to consider the Master Plan mute or should the area remain a transitional area?*

Mr. Oser was present and said he has three (3) large tracts of land and the City is blocking \$10 million worth of construction. He commented on companies previously interested in locating on Lincoln Way East. He also commented on the impact the Planning Commission's recommendation has on Massillon City Council. He also referred to Mayor Cicchinelli while talking about previous requests. Mayor Cicchinelli commented that Mr. Oser hasn't provided site specific development plans.

"Other developers work with the affected property owners in the area they wish to rezone. Mr. Oser won't do that. However, he implies the matter is personal between me and him by making comments such as, 'Is that right, Frank?'" Mayor Cicchinelli then commented that *"Mr. Oser has said in the newspapers that he's afraid to divulge names because I'd take it (information) and give it to another developer. I would like you to go on record naming one company I took from you."* Mr. Oser then commented that he was referring to comments made at a previous Planning Commission meeting regarding finding a location for Verizon Wireless. Mayor Cicchinelli then added *"I will stick up for people who are trying to protect their homes as long as I have a voice. This isn't personal. People don't want their neighborhood invaded by business."* An exchange between Mr. Oser and Mayor Cicchinelli ensued.

Kenneth Rau, 606 Ninth Street N.W., commented that he disagrees with Mr. Oser saying Massillon is trying to keep business out. He added there are a lot of available properties which are zoned for business.

Kimberly Ott, Canton, was present and commented about economic development, adding there is no justification for rezoning this property.

Scott Renzenbrink, 2027 Lincoln Way East, was against the rezoning and asked the Commission to vote against the request.

Father William Bantz, 2032 Vermont SE, asked Mr. Oser to stop making him come down here every six months, adding he opposes the request.

Dale Walterhouse, 809 – 16th Street NE, former Ward 3 Councilman and present candidate, said there are no storm sewers on Massachusetts SE, which creates water runoff problems. Covering the area with concrete would add to existing problems.

Alan Climer, 2039 Lincoln Way East, was present and read from a prepared statement (copy attached) of the history of Mr. Oser's rezoning request and other information. He asked the Commission to deny the request.

Dale Maurer, 125 – 25th Street SE, was present and commented Mr. Oser sold them their house in 1959. He liked it then because of the neighborhood, and he'd appreciate maintaining the neighborhood.

Richard Jones, 2329 Lincoln Way East, was present and commented he's in favor of the rezoning request because living on the highway is too dangerous.

Mr. Oser commented that if the Planning Commission wants to be fair, they'd only listen to comments from people who live within a 300-ft. radius, which was Mr. Jones.

Mayor Cicchinelli then asked the Council member for the area, Ward 3 Councilperson Kathy Catazaro-Perry to comment.

Ward 3 Councilwoman Kathy Catazaro-Perry was present and said she has studied this issue since coming on Council. At first she was opposed to it because residents were saying “no, they didn’t want it.” The last time she voted yes because there were more speaking out at Council that wanted it than there were who did not want it.

At Mayor Cicchinelli’s request, Mr. Aaby explained the notification procedure which was amended by City Council in 2000 and required by the Zoning Code. Notification is mailed to all property owners within 300 feet of the site of a rezoning request. A sign is also posted on the site so passersby could be informed. The notification procedure only means those are the people who will receive written notification, however, anyone has a right to speak.

Mayor Cicchinelli then asked how many of the properties within the 300 feet are owned by Mr. Oser. Mr. Aaby’s reply was he didn’t know. The map indicated there were several. Mrs. Saracina then moved to recommend denial of the request. A roll call vote was taken:

Susan Saracina - Yes
David Hersher - Yes
Sheila Lloyd - Yes
Mayor Cicchinelli - Yes

The motion to recommend denial of the request to rezone Lots No. 4332 – 4339 was approved 4 – 0.

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

Rezoning Request - Third and Federal NE

Property description: Lots No. 369, 370, 371, 375, and 376, located on the block bounded by Federal Avenue NE, Third Street NE, North Avenue NE, and Fourth Street NE. The total site is approximately 0.76 acres in size.

Zone change from: RM-1 Multiple Family Residential

Zone change to: B-2 Central Business District

Applicant: Mike Boylan

Proposed use: Longfellow Mews, a proposed development of 13 residential townhouses with possible mixed business uses.

The development is to be comprised of brownstone townhouses and other mixed uses. Mike Boylan was present and commented this would be an urban housing concept. Jack Hawk, an architect, was also present and said he is the project officer and has met with the neighborhood. The business use would be for small businesses such as a computer store or ice cream parlor. The property would be replatted into 13 parcels; variances with be required.

Michael Saracina, 504 Lincoln Way East, was present and stated he is in favor of the requested zoning.

Bill Weaver, President of CHARM, the resident neighborhood association in the area, was present and stated that initially he was concerned the concept wouldn't fit into the neighborhood. After speaking to the developer, he is in favor of the proposal.

Daniel Ritchey, 217 Fourth Street NE, was in favor of the request.

Allen Crawford, 220 North Avenue NE, doesn't want project overwhelmed with business. He also wants the design to be consistent with other structures.

Mrs. Saracina moved to recommend approval, seconded by Mayor Cicchinelli, the motion was unanimously carried.

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

Rezoning Request - Lincoln Centre Phase III Area

Location: Part of Out Lot 1020, located on the west side of Tommy Henrich Drive NW.

Zone change: From: B-3 General Business and I-1 Light Industrial

To: B-2 Central Business District

Applicant: City of Massillon

Proposed use: The City intends to convey this property for private commercial development as part of the Lincoln Centre Phase III Project. The total project site is 3.347 acres.

This is the site of the former Ohio Drilling Company. B-2 Central Business is consistent with the plan for commercial development. Mayor Cicchinelli moved to recommend approval, seconded by Mrs. Saracina, the motion unanimously carried.

The next item was a sewer easement vacation/dedication presented by Mr. Haines.

Sewer Easement Vacation/Dedication – Harsh Avenue SE

Location: Parts of Out Lot 378, located between 16th Street SE and 20th Street SE, north of Harsh Avenue. The request is to vacate the existing 10-ft wide sanitary sewer easement and dedicate a new 25-ft wide easement. The property is zoned R-1 Single Family Residential.

Applicant: Massillon Board of Education

Washington High School is in the process of expanding. The City will be changing the sewer to accommodate the expansion. Mrs. Saracina moved to recommend approval, seconded by Mr. Hersher, motion unanimously carried.

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

Replat – Venture Circle SE

Location: Out Lots 995 and 996, located on the east side of Venture Circle SE, north of Nave Road. The request is to combine the two existing parcels together to create one new building lot. The property is zoned I-1 Light Industrial.

Applicant: Beaver Excavating Company

The purpose of the request is to build a new structure. Russ Doyle, of Cooper and Associates, was present and said his client, Bill Hawk, Inc., wishes to construct a new building to relocate their business from Tuscarawas County. He added they are wishing to combine the two lots. Ms. Lloyd moved to recommend approval, seconded by Mrs. Saracina, motion unanimously carried.

The next item was a replat and dedication plat presented by Mr. Haines.

Replat and Dedication Plat – Hankins Road NE

Location: Parts of Out Lots 344, located on the south side of Hankins Road NE, east of Phillips Road. The request is to split a 0.031 acre tract and combine it with the neighboring lot; replat both lots with new lot numbers; and dedicate the existing right-of-way for Hankins Road. The property is zoned R-1 Single Family Residential.

Applicant: Victoria Spuhler / John and Patricia Racin

A garage has been constructed and is encroaching the neighbor's lot line. The neighbor to the east will sell a small portion to the neighbor to the west to alleviate the encroachment. Also included is a dedication of roadway.

Mr. Racin was present. Mayor Cicchinelli moved to recommend approval, seconded by Mrs. Saracina, motion unanimously carried.

There being no further business before the Commission, the meeting adjourned at 8:55 P.M.

Respectfully submitted,


Marilyn E. Frazier, Commission Clerk

Approval:

MEF/ky

attachment

You, the Planning Commission, have been asked on multiple occasions to determine the merits of Mr. Oser's request to have this particular area rezoned. Most recently, March 8th of 2006. At that time, this body rejected his request and it was forwarded to the Massillon City Council where they ultimately rejected his rezoning request 9-0.

Please remember that this is the 6th attempt on this particular property between 22-23rd streets just South of Lincoln Way East, and his 18th overall attempt to rezone the South side of Lincoln way.

Is rezoning this property a public necessity, is it good for the general welfare of the neighborhood or a good zoning practice to change the current classification? We strongly feel that the Master Plan for development has worked and hope that it continues to work as it was designed.

We do not believe so, and for the last 6 attempts on this property, the Planning Commission has also believed it, by denying Mr. Oser's request.

I believe it is important for the Planning Commission to be aware of the implications of rezoning any of the transitional area to commercial, both in the present and in the foreseeable future. If this proposal before you, is approved, it will open the door to many more attempts by Mr. Oser to rezone the transitional properties South of Lincoln Way East.

History has shown us, that Mr. Oser is one to continue to push his agendas on the citizens of these neighborhoods, as evidenced by his most recent comments in the Massillon Independent on April 9, 2007 in which he stated "I plan on getting it one way or another".

His pursuit of what he wants has gone on for nearly 34 years

I would like to take this time to thank the commission for listening to the citizens and neighbors concerns about the most recent attempt to rezone the area between 22nd and 23rd Street SE on the South Side of Lincoln Way East.

We again ask that this Commission deny Mr. Oser's request to rezone lots 4332-4339 between 22nd and 23rd St. on Lincoln Way East.

2100 block (6)

1987

1988

1994

1995

1999

2007

2200 block (5)

1988

1989

1989

2006

2007

2400 block (5)

1972

1987

1987

1988

1989

2500 block (1)

1988

2000-2600 block (1)

1990

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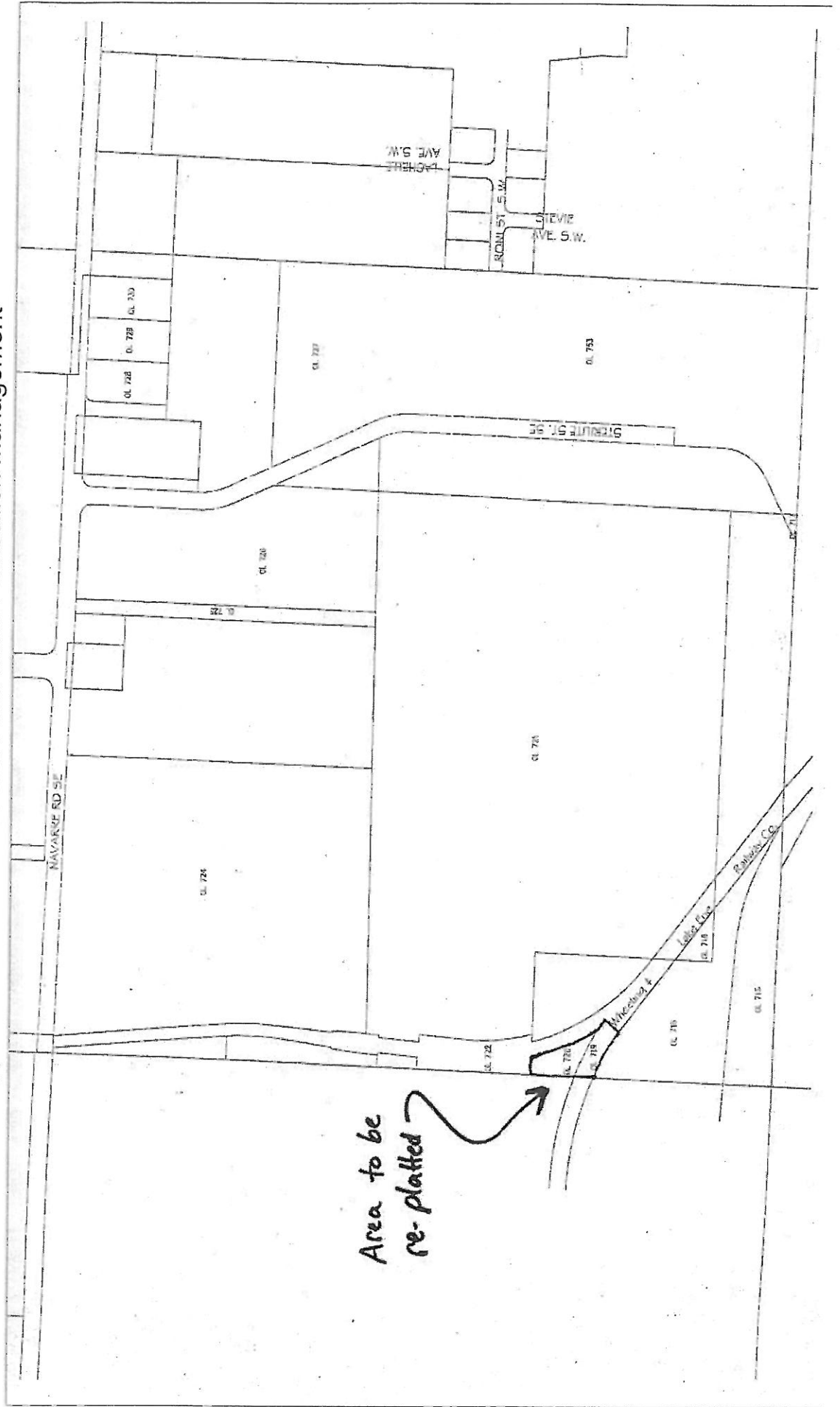
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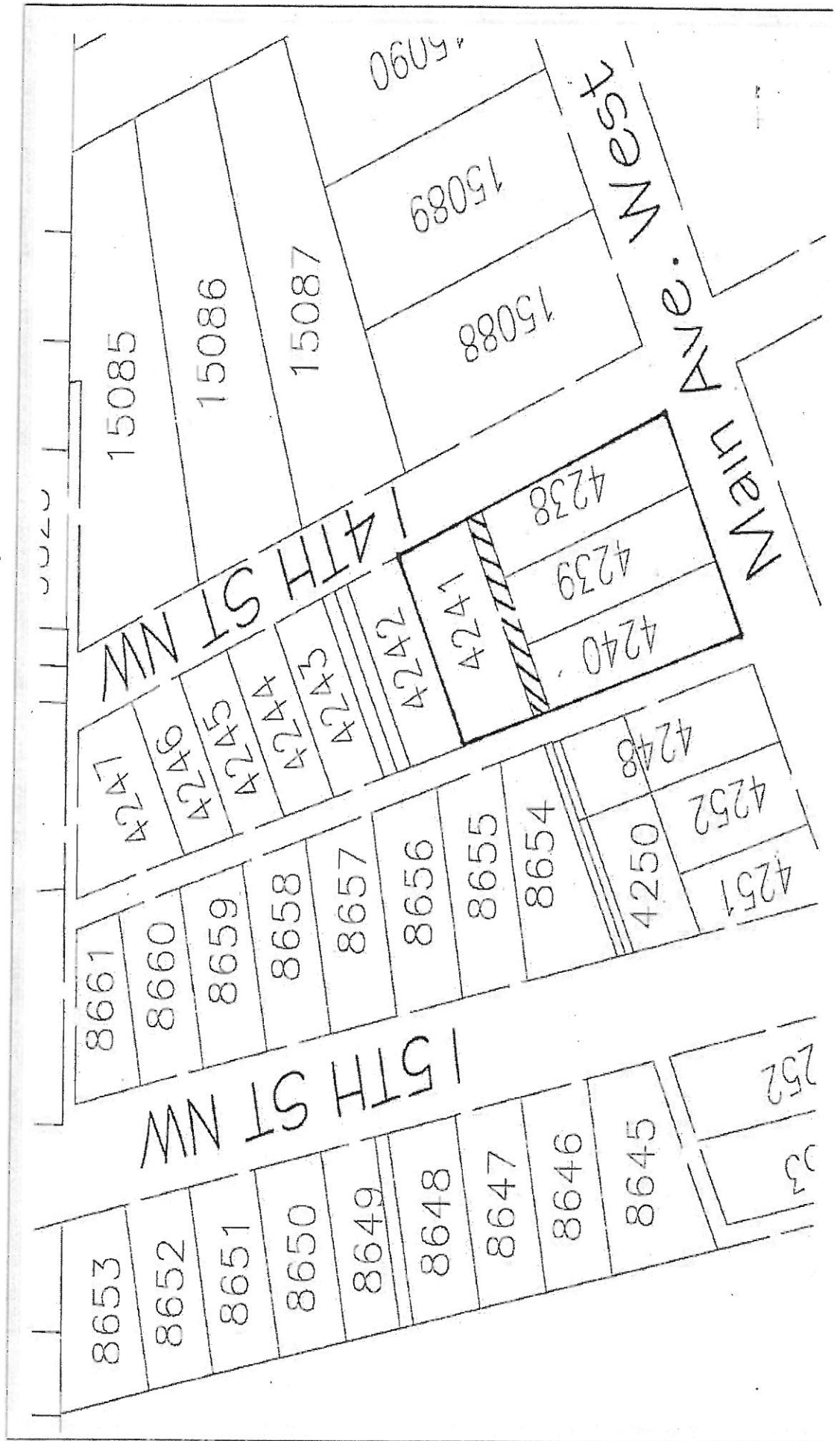
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