

A G E N D A
MASSILLON PLANNING COMMISSION
SEPTEMBER 12, 2007 7:30 P.M.
CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of August 8, 2007.*

2. *New Business*

Rezoning – 2622 Lincoln Way West (Rear)

Property Description: Part of Out Lot No. 174, located at the rear of 2622
Lincoln Way NW, on the north side of Lincoln Way NW, east of 27th Street NW.

Zone Change From: R-2 One Family Residential

Zone Change To: B-1 Local Business

Applicant: Timothy and Linda Martin

Proposed Use: Future commercial development.

3. *Other Business*

Massillon Planning Commission

August 8, 2007

The Massillon Planning Commission met in regular session on August 8, 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.
Todd Locke
Sheila Lloyd
Susan Saracina
David Hersher
Joseph Luckring

Staff

Aane Aaby
Marilyn Frazier
Jason Haines

The first item of business was the minutes for the Commission meeting of July 11, 2007. Mrs. Saracina moved for approval, seconded by Mr. Hersher, motion unanimously approved.

The next item under New Business was a replat presented by Mr. Haines.

Replat – Lincoln Way East

Location: Lots 9550, 9551, 9552, and parts of Lots 9553 and 9561; located on the north side of Lincoln Way East, east of Wales Road. The request is to combine the existing lots into one new lot in preparation for construction of a new commercial building. Total acreage of site is 0.76 acres. The property is zoned B-3 Central Business.

Applicant: WXZ Development/Daniel Bond

This is the site of the former Fazoli's Restaurant. The present building is to be demolished and a new building constructed to house an Advance Auto Parts Store. There is a small portion that isn't zoned for business, which will be landscaped. Daniel Bond, who is the Project Coordinator, was present but had no comments. Mayor Cicchinelli moved for approval, seconded by Mrs. Saracina, motion unanimously carried.

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

Replat – Vista Avenue SE

Location: Out Lots 601, and 709; located on the north side of Vista Avenue SE, east of Erie Street South. The request is to combine the existing lots into three new lots; two with existing commercial buildings and one vacant lot. All lots to have frontage on Vista Avenue. Total acreage in replat is 4.715 acres. The property is zoned I-1 Light Industrial.

Applicant: PCS Development/Spring Realty

This is near the Massillon State Hospital property. Currently, there are two buildings on one tract of land. The replat will result in each building being on its own lot and the third lot being vacant.

Sam Spring, of PCS Development/Spring Realty, was present. Mayor Cicchinelli commented that a company is planning to move from Canton to this location. Mayor Cicchinelli then moved for approval, seconded by Mrs. Saracina, motion unanimously carried.

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

Replat – Warwick Avenue NW

Location: Lots 3540 and 3541; located on the south side of Warwick Avenue NW, west of Erie Street. The request is to combine the existing lots into one new lot; with frontage on Warwick Avenue. The property is zoned B-1 Local Business.

Applicant: Dylan Palmer/Carl Oser

This property is near downtown in the vicinity of Cherry and Erie North, and Route 21. It is zoned B-1 Local Business, as is the area south of Warwick. Also in the area is I-1 Light Industrial, and north of Warwick the zoning is R-1 Single Family Residential. The owner wishes to construct a storage building on the property. The Building Department requires the lots be combined. Mr. Oser was present and commented that he wishes to combine the two small lots into one larger lot. Mayor Cicchinelli suggested that Mr. Haines or Mr. Aaby inform the Commission about the foundations that exist on these lots, and also about the previous history concerning the lots.

Mr. Aaby explained that a couple of years ago Mr. Oser filed and received a building permit to build two buildings. Following the advice of the Law Department, the permits were suspended because the buildings were considered accessory buildings. The idea was that accessory buildings were accessory to a house, but in this case, the accessory buildings would be larger than the main structure, therefore, a variance was required. The issue went to the Zoning Board of Appeals, who granted the variance. Neighbors in the area appealed to Council, who then overturned the variance. Meanwhile, some foundation work had been done.

Carl Oser wishes to develop the property. He was given two options, one, to construct an accessory building to the existing house which would require replatting. If he wants to make it separate, he could replat the two lots into one lot. Mr. Oser commented the request tonight is to combine the two lots into one. Mayor Cicchinelli asked if the two foundations were going to be removed. Andrew Oser replied that the foundations are irrelevant to the request that is being considered. Mayor Cicchinelli said "I beg to differ, because there was a misrepresentation from the very beginning." He referred to the fact that the accessory buildings or garages are to be accessory to the house on the property. Neighbors are worried about these types of buildings encroaching in their area. Mayor Cicchinelli added that even though residents are not normally notified about replats, maybe they should have been informed because of the history of this request.

Vice Chairman Johnson asked if there was anyone present with an interest in this item. There was no one. Mr. Aaby commented that a site plan review would occur before anything would be built on this property. A brief discussion followed about procedure and options. Mr. Locke moved for approval, seconded by Mr. Hersher. A roll call vote followed:

Mr. Luckring – yes	4 yes
Ms. Lloyd - yes	1 no
Mayor Cicchinelli – no	1 abstention
Mr. Hersher - yes	
Mr. Locke – yes	
Mrs. Saracina abstained	

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

Easement Plat – Bottoms Park Area

Location: Part of Out Lots 24, 26, & 27; located on the west side of Sixth Street NW, in the Bottoms Park facility area. The request is to grant a 20 to 30 foot wide easement to Aqua Ohio Water Company for construction of a new water main project.

Applicant: Aqua Ohio Water/City of Massillon

Donald Snyder, Construction Coordinator was present. He explained this action will help the southwest area of Massillon. Mrs. Saracina moved to approve the request, seconded by Mr. Luckring, motion unanimously carried.

The next item was a vacation and replat.

Vacation and Replat – Taylor Street SW

Location: Part of Taylor Street SW; a 30-foot wide right-of-way located between Glenn Place SW and 11th Street SW, north of Walnut Road. The intent is to vacate that portion from the north line of Lot 7703 approximately 160 feet north and replat with adjoining lots on the east and west sides.

Applicant: Jay Howell, Ghetta Murray, Kelley Jacobs, Randy and Jodi Cockrill

Mr. Howell was present representing the property owners and commented that a portion of Taylor was previously vacated. Mr. Luckring moved to approve the request, seconded by Mrs. Saracina, motion unanimously carried.

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

Replat – Alpha Street NW

Location: Part of Out Lot 781, and Lot 84 in Westbrook Estates; located on the west side of Skyland Avenue NW; and east of Alpha Street NW. The request is to split approximately two acres out of the original property and combine it with Lot 84 on Alpha Street. The property is zoned A-1 Agricultural and R-2 Single Family. This item was tabled at the June 13, 2007, meeting.

Applicant: Mary Smeyres, Tillman and Ann Manuel

This is a large tract of land on the northwest side of Massillon. A proposal was previously brought before the Commission, which lacked access. Mr. & Mrs. Manuel have purchased property from Lockhart who is developing adjacent property, and also wish to split off two acres at the corner of the property in question. This will provide frontage and access for the house they intend to build.

Mary Smeyres, and Tillman and Ann Manuel were present and concurred with Mr. Haines' presentation. Mr. Hersher moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

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

Rezoning request – First Street and McCadden Avenue NE

Property description: Lots No. 2678, 2683, 2684, 2685, 2686, 15434, 15435, and Out Lot 160, located on east side of First 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: Nation Land Company LLC (Michael and Rochelle Farina)

Proposed use: Development of a retail commercial shopping area

This item has been before the Commission previously. The last time it was tabled, the Commission advised the developer to hold another meeting, informing all property owners within 300 feet of the site. They also were advised to have a drawing prepared of the proposed development. Mr. Aaby added that Nation Land Company had been provided the list used by the City to inform property owners.

Emily Sikorsky of Nation Land Company was present and commented they had held a meeting which had more people in attendance, and they had a drawing prepared and presented at that meeting.

Sean Roseman was also present from Nation Land Company, and added that the Discount Outlet would be the major tenant, occupying most of the building. They are planning to have four (4) other tenants, probably smaller businesses, such as an insurance agency or beauty salon. Mr. Roseman added that it would be a low-volume traffic type of business. The present building is to be demolished. Councilman Chuck Maier was in attendance at the meeting previously held with the neighbors. The residents in attendance seemed pleased with the plans as described. Mayor Cicchinelli asked if the houses which had been acquired would be demolished? The answer was "yes."

Jeanne Pedone, 1119 First Street NE was present and read a letter which said the building could benefit the neighborhood if it was properly maintained and had the right tenants. The letter, *which is on file*, also mentioned other issues which are not relevant to this request.

James Ehret, owner of 1009 First Street NE, was present and commented that it (meeting with residents) was a good meeting, and the proposal wasn't a bad thing.

Mayor Cicchinelli assured Ms. Pedone that he would inform the appropriate departments of her other concerns. He also asked her to contact him if she didn't get the appropriate response from any department under his control. After additional discussion, Mr. Locke moved for approval, seconded by Mrs. Saracina, motion unanimously carried.

The next item under Other Business was a proposed amendment to the zoning code presented by Mr. Aaby. He acknowledged input for the amendment from Commissioner Locke.

Proposed Amendment to Zoning Code – Chapter 1137 Changes and Amendments

The proposed amendment would add the following additional submission requirement to a request for zone change: an applicant would have to submit either a petition signed by a majority of the property owners within 300 feet of the area sought to be changed or an applicant would have to submit evidence that a meeting was held with neighboring residents and property owners to review the proposed zone change. In addition, the proposed amendment would reduce the time periods for resubmission of a zone change request from 12 months to 6 months. Other changes in the proposed amendment were Section F. (d).

- (d) In the event that the applicant is unable either to obtain the signatures of a majority of the property owners or to hold a neighborhood meeting as required in subsection (a)(2)E, hereof, the applicant may appear before the Planning Commission and request the Planning to recommend such change to Council.*

After a brief discussion, it was decided by the Commission that Section F.(d.) be excluded from the proposed changes. There was also discussion about a proposed change in Section 1137.08 (a) Frequency of Applications.

- (a) Application for a change in the zoning district of any property of record can be submitted only once in any *six-month period with the following exceptions:*

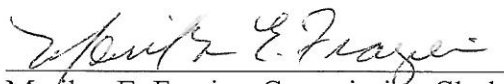
- (1) If there is a zoning district change made on abutting property or property within 200 feet of the subject property; or presently, an application can be submitted only once in any one-year period.*

The Commission decided to go with the proposed change of six months. Mr. Hersher commented that the proposed changes would help eliminate problems with rezoning requests. Mayor Cicchinelli then moved to recommend approval of the proposed amendment to City Council with the deletion of F.(d), Mr. Locke seconded, motion unanimously carried.

Note: A copy of proposed amendment as presented is a part of the permanent record of minutes.

There being no further business before the Commission, the meeting adjourned at 8:40 P.M.

Respectfully submitted,


Marilyn E. Frazier, Commission Clerk

Approval:

Rezoning – 2622 Lincoln Way West (Rear)
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