

A G E N D A
MASSILLON PLANNING COMMISSION
NOVEMBER 14, 2007 7:30 P.M.
CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of October 10, 2007.*
2. *New Business*

Replat - Shriver Avenue SE

Location: Lots 4440, 4441, 4442, 10255, 16779, 16780, 16781, 16782, 16783, and parts of Lot 4443; located on the south side of Shriver Avenue SE, west of Glenwood Street. The request is to combine the existing lots into (2) new lots in preparation to transfer some vacant land to the neighboring property. The property is zoned RM-1 Multi-Family and R-1 Single Family Residential..

Applicant: Russell Draime, Sherman and Quenessa Smith

Replat and Dedication Plat- Walnut Road SE

Location: Part of Out Lots 373 and 491; located on the south side of Walnut Road SE, east of 16th Street. The request is to combine the existing lots into (1) new lots; to allow the construction of a gas station canopy and pump structures. Includes the dedication of existing right-of-way areas for Walnut Road and 16th Street SE. The property is zoned B-3 General Business.

Applicant: Joan Desiderio-Hassan

3. *Other Business*

Proposed Zoning Code Amendments re: Cellular Towers

The City is proposing the following amendments to the Zoning Code:

1. Section 1121.02 (23) DEFINITIONS "Essential Services" would be amended to specifically exclude cellular communication towers from the definition of essential services. A new paragraph (23.1) would be added to define "Cellular Communications Antenna, Tower, Communication Systems, or Wireless Communication Systems"

Section 1121.02 (67) DEFINITIONS "Public Utility" would be amended to clarify that only "wired" communication or "wired" telegraph falls within the definition of a public utility.
2. Section 1187.01 would be amended to add language specifically stating the zoning and locational requirements for wireless transmission towers.
3. Section 1189.04 "Height Limit" would be amended to delete wireless transmission towers from the provisions of this section.

Massillon Planning Commission
October 10, 2007

The Massillon Planning Commission met in regular session on October 10, 2007, at 4:00 P.M. in the Mayor's office. The following were present:

Members

Chairman Rev. David Dodson
Vice Chairman James Johnson
Mayor Francis H. Cicchinelli, Jr.
Safety Service Director Michael Loudiana
Todd Locke
David Hersher

Staff

Aane Aaby
Marilyn Frazier
Jason Haines

The first item of business was approval of the minutes for the Commission meeting of September 12, 2007. Mr. Johnson moved for approval, seconded by Mr. Hersher, motion unanimously carried.

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

Alley Vacation – First Street NE

Description:

- 1.) A 15-foot wide alley lying between First Street NE and Second Street NE, running in a north/south direction between McCadden Avenue NE and Willow Avenue NE, extending approximately 208 feet south of McCadden Avenue
- 2.) A 15-foot wide alley lying between McCadden Avenue NE and Willow Avenue NE, and running in an east/west direction between First Street NE and Meiner Court NE. That part to be vacated begins approximately 5 feet west of Meiner Court and extends westerly approximately 153 feet.

A 15-foot wide utility easement will remain on the property planned for vacation.

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

Mr. Haines explained that this alley is in the area of the Discount Outlet, which is owned by Nation Land Company. Nation Land Company also owns the property on both sides of the alley. This alley vacation is necessary for the future development of a new retail center in the area of the existing store. A re-plat will be necessary prior to the start of construction.

Mr. Locke moved for approval, seconded by Mayor Cicchinelli, motion unanimously carried.

There being no further business before the Commission, the meeting adjourned at 4:10 P.M.

Respectfully submitted,

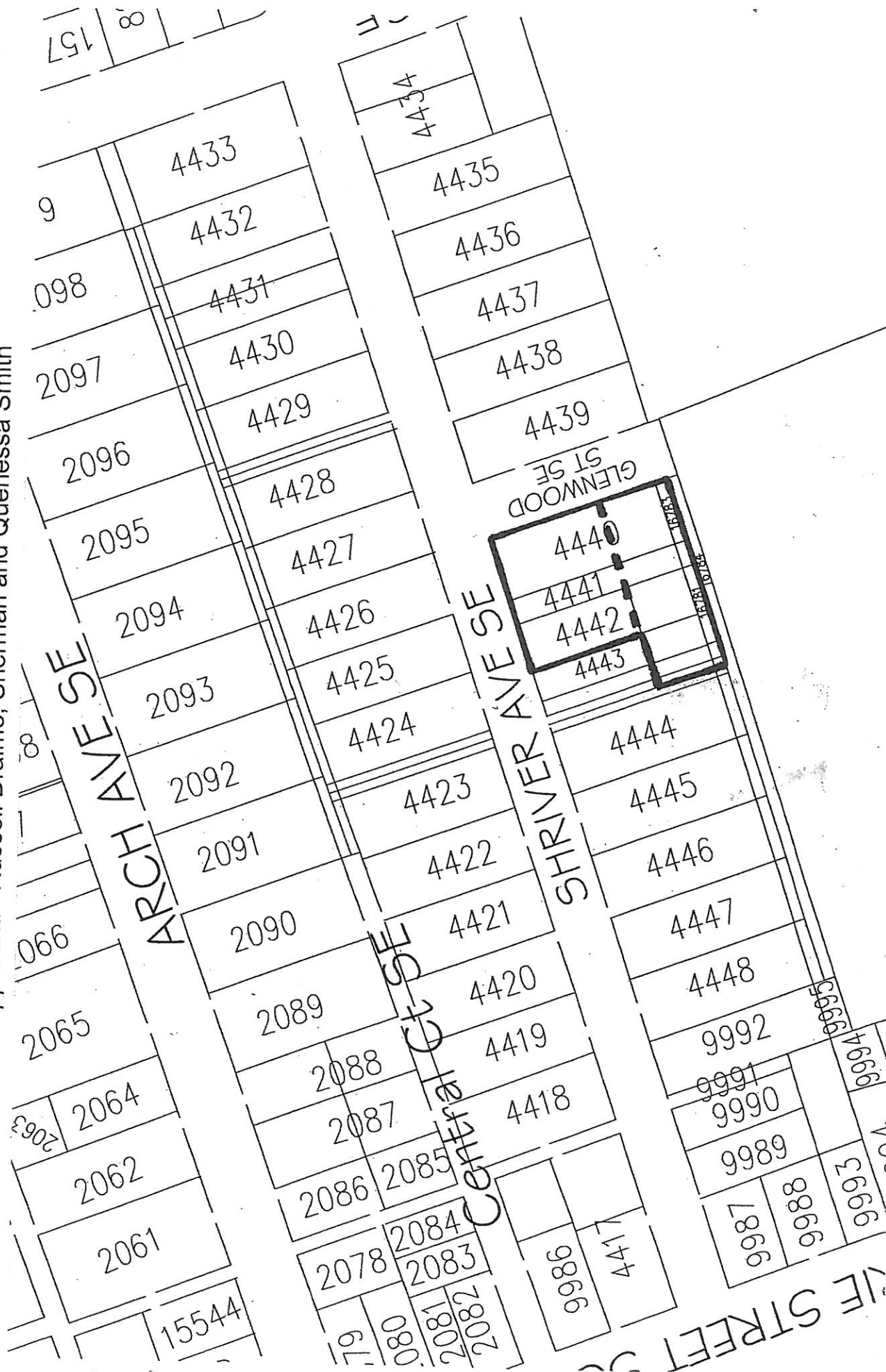

Marilyn E. Frazier
Commission Clerk

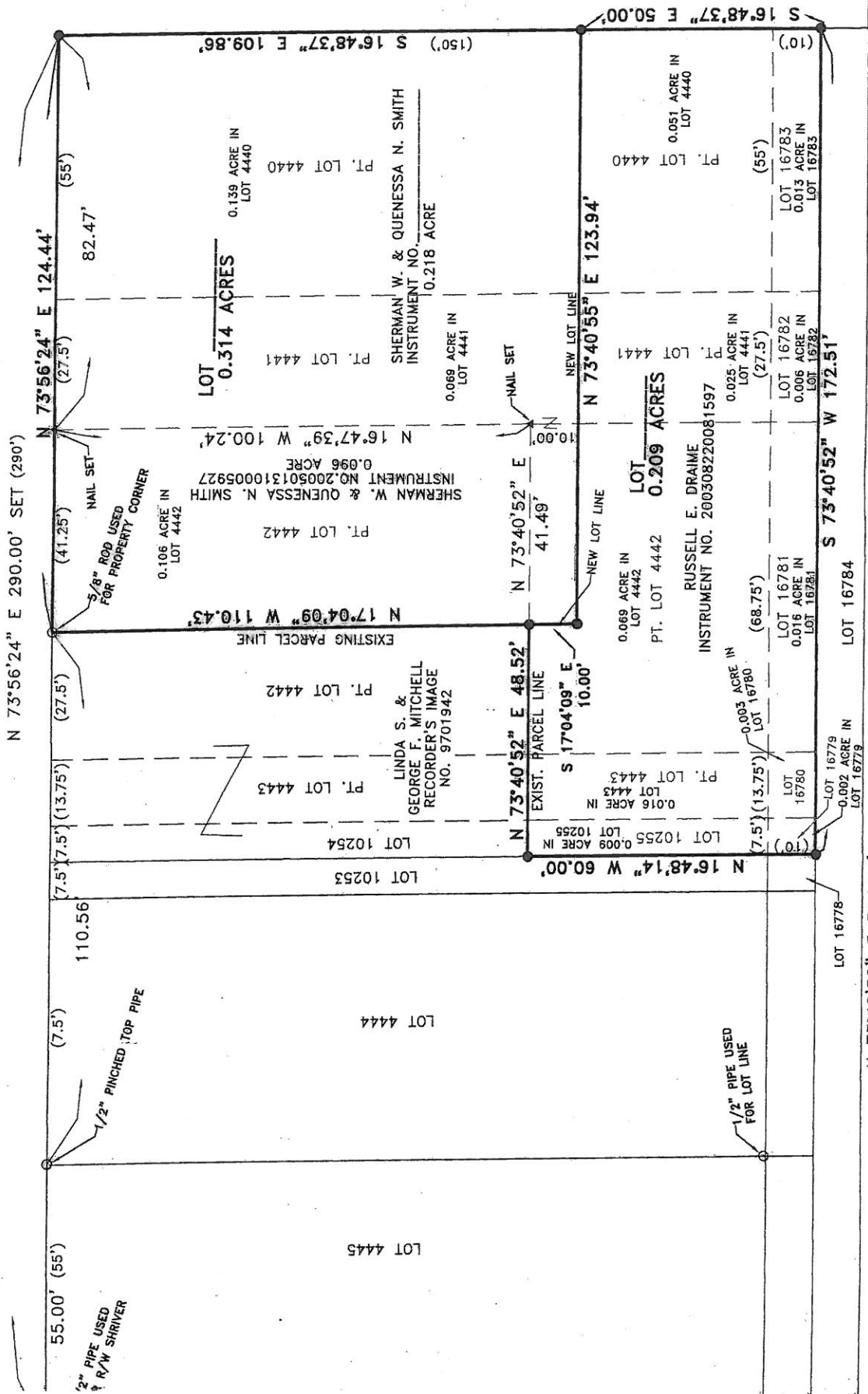
MEF/ky

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Applicant: Russell Draime, Sherman and Quenessa Smith





OUT LOT 153

N 73°40'52" E 564.94'

5/8" ROD -
W/DEIBEL CAP

Replat and Dedication, Plat- Walnut Road SE

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Applicant: Joan Desiderio-Hassan





Engle C	100
Gas Wg	100
Water	100
Power	100
Light	100
Proper	100

Contact: **Marquette City Zooing On**
 Learning Journal: **Q-3 Chemical Database**
 Front Bench: **30 feet**
 Side Bench: **Mass (except 10' of wire)**
 Rear Bench: **20 feet**
 Max. Ht: **20 feet (5 stories)**
 Max. Lat. Area: **None**
 Max. Vol. Area: **1000**

Contact The New States Protection
(NPS) At 1-800-352-2744 At 10
Hours Before Closing.

Geometry Code	2007 SHC
Constructive Type	II ^B
Use Class	M
Allowable Height	35'
Windward Height	18'-0"
Allowable Area	12,500 SF
Actual Area	1,152 SF

For Additional Information, Refer to The County Manual

ANSWERS

- 1) Remove And Replace Part Of Concrete Above
- 2) Wheel Stairs (1/2")
- 3) Excavated Material That Are Not To Be Removed For Packing Etc. Shall Be Removed From The Site And Disposed Of In Legal Manner.

Chinese "X" On West
Coast Of Canada
Buss For Light Pole

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John D. McLaughlin
John D. McLaughlin Reg. Engineer

PROPOSED AMENDMENTS TO CITY ZONING CODE

(Amended Language in Bold-Face Type)

I.

Existing Sections 1121.02 (23) and (67) of CHAPTER 1121 "CONSTRUCTION OF LANGUAGE; DEFINITIONS" of the Codified Ordinances of the City of Massillon shall be repealed and new Sections 1121.02 (23) (23.1) and (67) of CHAPTER 1121 "CONSTRUCTION OF LANGUAGE; DEFINITIONS", enacted to read as follows:

1121.02 DEFINITIONS

(23) "Essential Services" means the erection, construction, alteration or maintenance by public utilities or Municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or Municipal departments for the general health, safety, or welfare, **and further excluding from the definition of the "Essential Services" under the Codified Ordinances of the City of Massillon, Ohio cellular or wireless communications systems, towers, facilities, structures, support structures, and all other facilities attendant thereto.**

(23.1) "Cellular Communications Antenna, Tower, Communication Systems, or Wireless Communication Systems" shall mean any structure or device used to receive or transmit electrode magnetic waves between cellular phones, pagers, and ground wired communication systems, including both directional antennas, such as panels, microwave dishes, and satellite dishes, and omni, directional antennas such as whips or other equipment utilized to serve personal communication services.

(67) "Public utility" means a person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public gas, steam, electricity, sewage disposal, **wired** communication, **wired** telegraph, transportation or water.

II.

Existing Section 1187.01(a) of CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS" of the Codified Ordinances of the City of Massillon shall be repealed and new Sections 1187.01(a) and (b) of CHAPTER 1187 "SUPPLEMENTAL ZONING REGULATIONS", enacted as follows:

1187.01 CELLULAR OR WIRELESS COMMUNICATIONS SYSTEMS AND TOWERS, COMMERCIAL TELEVISION AND RADIO TOWERS, PUBLIC UTILITY MICROWAVES AND PUBLIC UTILITY T.V. TRANSMITTING TOWERS.

(a) Radio and television towers, public utility microwaves and public utility T.V. transmitting towers and their attendant facilities shall be permitted in I-1 and I-2 Districts and on public or quasi-public property in non-industrial districts provided such use shall be located centrally on a continuous parcel of not less than one and one-half times the height of the tower measured from the base of the tower to all points on the property line.

(b) Cellular or Wireless Communications Towers, Antenna, communications Systems or Wireless Communications systems and their attendant facilities shall be permitted in I-1 and I-2 Districts and on public or quasi-public property in non-industrial districts provided such use shall be located centrally or, a continuous parcel of not less than, one and one-half times the height of the tower measured from the base of the tower to all points on the property line.

III.

Existing Section 1189.04 of CHAPTER 1189 "GENERAL EXCEPTIONS" of the Codified Ordinances of the City of Massillon shall be repealed and a new Section 1189.04 of CHAPTER 1189 "GENERAL EXCEPTIONS", enacted to read as follows:

1189.04 HEIGHT LIMIT

The height limitations of the Zoning Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles or public monuments ~~or wireless transmission towers~~; provided, however, that the Board of Zoning Appeals may specify a height limit for any such structure when such structure requires authorization as a condition use.