

A G E N D A

MASSILLON PLANNING COMMISSION

April 9, 2008

4:00 P.M.

Mayor Cicchinelli's Office

******Please Note Meeting Time and Location Change******

- 1. Approval of the Minutes for the Commission Meeting of March 12, 2008.**
- 2. New Business**

Replat and Dedication Plat - 849 Earl Road NW

Location: Out Lot 874, located on the East side of Earl Road NW, north of Cherry Road NW. The request is to split the property into two lots, one containing the residential home and the other containing the commercial storage buildings. The property is zoned I-1 Industrial and R-2 Residential. The engineering department will also require the dedication of existing Earl Road right-of-way areas.

Applicant: Attorney Pericles Stergios / Mitchell Grove

Replat and Dedication Plat - 29th Street NW

Location: Lots 13450, 13451, and 16469 located on the east side of 29th Street NW, south of Gordon Avenue and west of Davis Circle NW. The request is to combine the existing lots into (2) new lots to create new building sites. The engineering department will also require the dedication of existing 29th Street right-of-way areas. The owner is also wishing to sell a 20' wide strip of property to the neighboring property owner to the east. This area will be combined with the existing lot on Davis Circle. The property is zoned R-2 Single Family Residential.

This request was approved by the Planning Commission in February 2008 with a variance of Section 1177.01, minimum lot frontage for R-2 Zoning. This previous request is being modified hereon to allow the sale of a portion of the lot to the adjoining property owner.

Applicant: Derek Shanklin / John & Kelly Koehler

Replat – Harmony Street NW

Location: Lot 17266, located on the East side of Harmony Street NW, north of Raynell Ave. The request is to split the property into two proposed building lots. The property is zoned R-3 Residential.

Variance Request: Section 1177.01, frontage on a public street. 90 feet of frontage is required, applicant has 23.72 feet for the north lot, requiring a variance of 66.28 feet. The south lot meets the zoning requirements.

Applicant: Joseph and Charlene Glick

Massillon Planning Commission March 12, 2008

The Massillon Planning Commission met in regular session on March 12, 2008, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Members

Chairman James Johnson
Mayor Francis H. Cicchinelli, Jr.
Susan Saracina
Frank Cilona
Sheila Lloyd
Loren Matey
Joseph Luckring

Staff

Aane Aaby
Marilyn Frazier
Jason Haines

The first item of business was the minutes for the Commission meeting of February 13, 2008. Mrs. Saracina moved for approval, seconded by Mr. Cilona, motion unanimously carried.

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

Replat – 255 Warmington Road SW

Location: Out Lots 761, 1045, 1046; located on the south side of Warmington Road SW, west of Commerce Drive. The request is to combine the three (3) existing lots into one parcel approximately 15.53 acres. The property is zoned I-2 Industrial.

Applicant: Pepsi-Cola General Bottlers of Mansfield Inc.

This is the former site of Fame Beverages and now Pepsi-Cola Bottlers. Ken McDonald of Pepsi-Cola was present, but had no comments. Mayor Cicchinelli remarked that Pepsi-Cola is a welcomed addition to the city. Mayor Cicchinelli moved for approval, seconded by Mr. Luckring, motion unanimously carried.

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

Replat – 20 Sixth Street SE

Location: Lots 1456, 1457, 1458; located on the east side of Sixth Street SE, south of Lincoln Way East. The request is to combine the three (3) existing lots into one parcel approximately 2.19 acres. The property is zoned R-1 Single Family Residential and O-1 Office.

Applicant: First Baptist Church of Massillon

Jennifer Schumacher of Hammontree and Associates was present representing the Church. Mr. Cilona asked when the expansion would occur. Ms. Schumacher's reply was that a date hasn't been confirmed. Mrs. Saracina moved for approval, seconded by Mr. Cilona, motion unanimously carried.

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

Rezoning – 2400 Block Lincoln Way East

Property description: Lots No. 3640 (part), 3641 (part), 3642 (part), 3643, 3644, and 3645 (part), located on the south side of Lincoln Way East between 24th and 25th Street SE. The total site is approximately 2.5 acres in size.

Zone change from: RM-1 Multiple Family Residential

Zone change to: B-3 General Business

Applicant: Massillon Lincoln RA, LLC

Proposed use: Construction of a Rite Aid Drug Store

This property is located on the south side of Lincoln Way East which is currently zoned RM-1 Multiple Family Residential. The request is to rezone it to B-3 General Business to construct a Rite Aid Drug Store. There have been numerous attempts over the years to rezone land in this area. In compliance with the new amendment to the Zoning Code, a neighborhood meeting has been held.

Chad Williams and Mark Belmont were present representing Rite Aid Drug stores. They reported that a neighborhood meeting was held at Smith Elementary School with 25 residents present. They felt the meeting was productive, and provided input from the neighbors. The neighbors' input will result in revisions to the plans. The store would be 14,600 square feet, employ 12 – 14 employees with a salary totaling approximately \$400,000 a year, bringing approximately \$1.4 million in revenue. The hours would be 7:00 A.M. – 9:00 P.M. Mr. Cilona asked if the minutes of the neighborhood meeting were available. The representatives weren't sure if they could be provided, but added that most of the residents who attended the meeting were also present tonight.

Dale Maurer, 129 – 25th Street SE, was present and had attended the meeting. He was appreciative that such a meeting was held. He stated this store is a relocation of the Perry Township store. He feels Mr. Oser should try to lease his existing properties. Mr. Maurer objects to the rezoning.

Scott Renzenbrink, 2027 Lincoln Way East, also appreciates the effort, but thinks the idea of rezoning land in residential neighborhoods should be held to a higher standard because of increased traffic and risks to children.

Nancy Hoffner, 138 – 14th Street SE, was concerned about homes being purchased to be torn down which may have historic value, and also the traffic from the store.

Michael Saracina, 504 Lincoln Way East, opposed the rezoning request.

Richard Wolfe, 365 – 25th Street SE, expressed concern about the traffic.

Caroline Ferrel, 124 – 24th Street SE, commented that there are sufficient pharmacies in the area.

Third Ward Councilwoman Kathy Catazaro-Perry commended the Rite Aid representatives on the site plan and their willingness to cooperate with the residents.

Richard Jones, 2329 Lincoln Way East, who has lived at this location for 32 years, is in favor of the rezoning and feels business is appropriate for Lincoln Way.

Attorney Terry Moore, was present representing Rite Aid. He commented that apartment buildings wouldn't work on this property because of traffic concerns. A store such as Rite Aid would generate less traffic than other businesses. He has done research on previous requests, and wants this request to be considered on its own and not on what has occurred previously. Rite Aid is willing to work with the neighbors and the City. In response to the comment about historic relevance, he said none of the properties considered are on the historic register.

Mayor Cicchinelli then commented that with business across the street, the R-M Multiple Family Residential Zoning is intended to provide a stable environment for the residential property owners on the south of Lincoln Way and those streets running off of Lincoln Way. He thanked the Rite Aid representatives for a professionally done presentation. He stated that he felt approval of this request would set a precedence for future requests. He added the integrity of residential neighborhoods should be respected.

Mrs. Saracina commented that 24th Street SE is a dead end street, and privileges of such a street should be maintained. She is also concerned about increased traffic and its impact on children and pets. Mayor Cicchinelli moved to deny the request, seconded by Mrs. Saracina. A roll call vote was called:

Saracina - yes
Cilona - yes
Lloyd - yes
Luckring - no
Cicchinelli - yes

The vote was 4 -1 to deny the request to rezone part of Lots 3640, 3642, and 3645, and all of Lots 3643 and 3644.

The next item was another rezoning presented by Mr. Aaby.

Rezoning – Prophecy Massillon Annexation

Property description: Prophecy Massillon Annexation area, an approximate 78.6 acre parcel located on the east side of Erie Avenue SW (State Route 21), north of Lindcrest Street SW

Zone change from: Perry Township

Zone change to: I-1 Light Industrial District

Applicant: City of Massillon

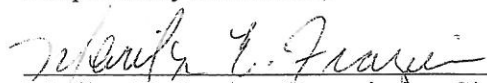
Proposed use: To give this recently annexed property, which is an existing light manufacturing, warehousing and distributing facility, a zoning district classification under the Massillon City Zoning Code.

This property was annexed from Perry Township and was formerly the location of Fleming Foods, which went out of business. It is also the proposed site of Shearer's Foods, Inc.

Mrs. Saracina moved for approval, seconded by Mr. Luckring, motion unanimously carried.

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

Respectfully submitted,


Marilyn E. Frazier, Commission Clerk

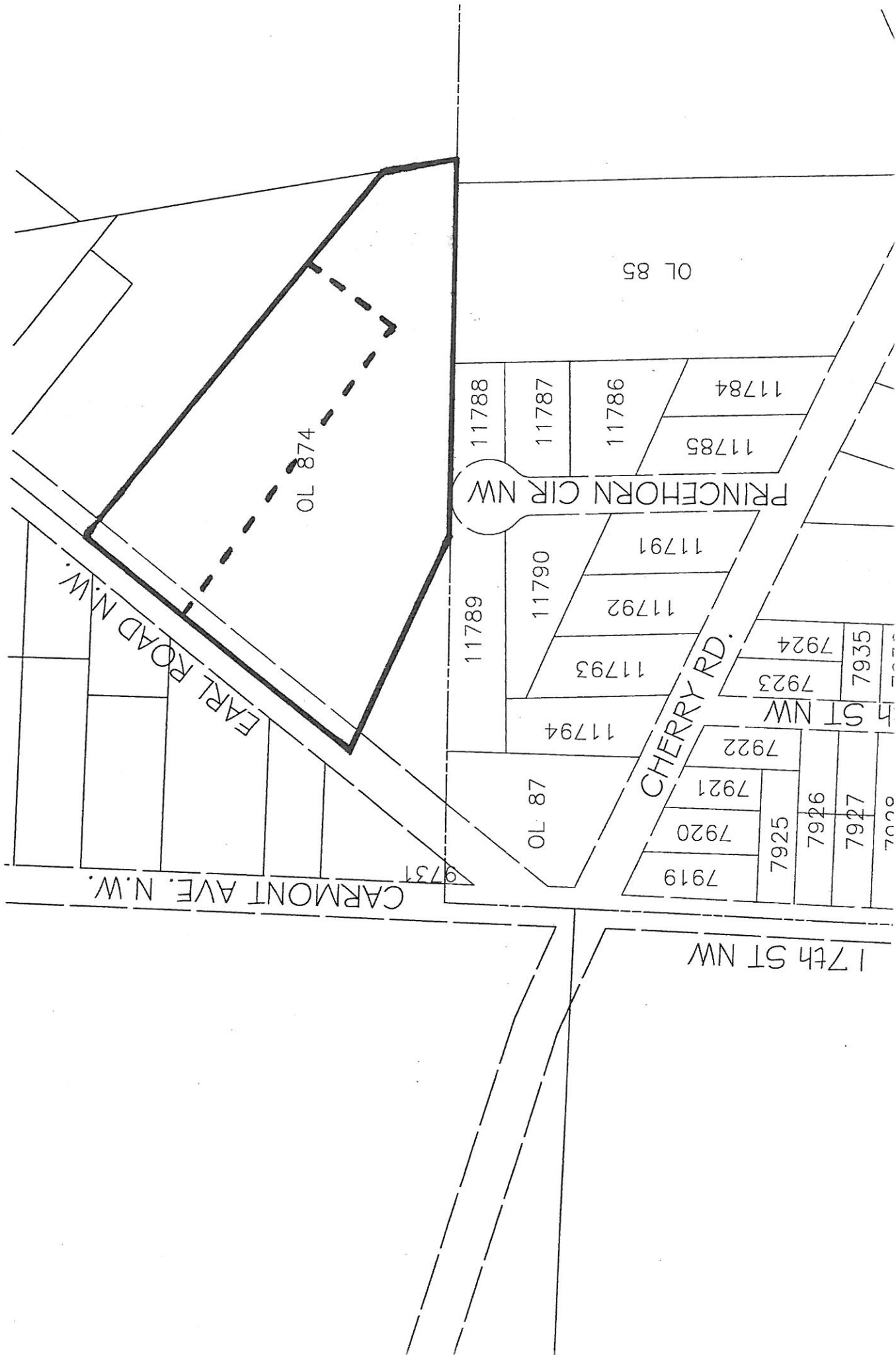
Approval:

Replat - 84th Earl Road NW

Location: Out Lot 874, located on the East side of Earl Road NW, north of Cherry Road NW. The request is to split the property into two lots, one containing the residential home and the other containing the commercial storage buildings.

The property is zoned I-1 Industrial and R-1 residential.

Applicant: Attorney Pericles Stergios / Mitchell Grove





Pericles G. Stergios, L.L.C.

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(330) 832-9879 • FAX (330) 832-2963

Pericles G. Stergios*
*Member of Florida Bar

March 13, 2008

Massillon City Planning Commission
Attn: Jason Haines
151 Lincoln Way East
Massillon, Ohio 44646

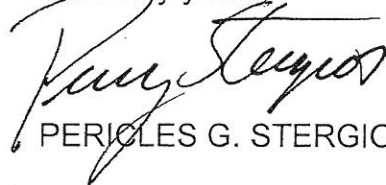
RE: Out Lot 874 in
City of Massillon
Mitchell P. & Valerie Grove

Dear Mr. Haines:

Enclosed with this letter is a copy of the proposed Replat of Out Lot 874. Mr. and Mrs. Grove, as you are aware, previously rezoned a portion of this parcel for the construction of a storage facility. Now that the facility has been completed they wish to divide the parcel into two lots. One lot will contain the commercial storage buildings which were rezoned previously. The other lot will stay zoned as residential since it contains a residence and garage.

I would appreciate it if you would place this matter on the agenda for the April 9, 2008 planning commission meeting. I will attend the meeting on behalf of Mr. Grove. Please let me know if you require anything further with regard to this matter.

Sincerely yours,


PERICLES G. STERGIOS

PGS:mmmp

Enclosure

cc: Mitchell P. Grove

Applicant: Derek Shanklin / John & Kelly Koehler

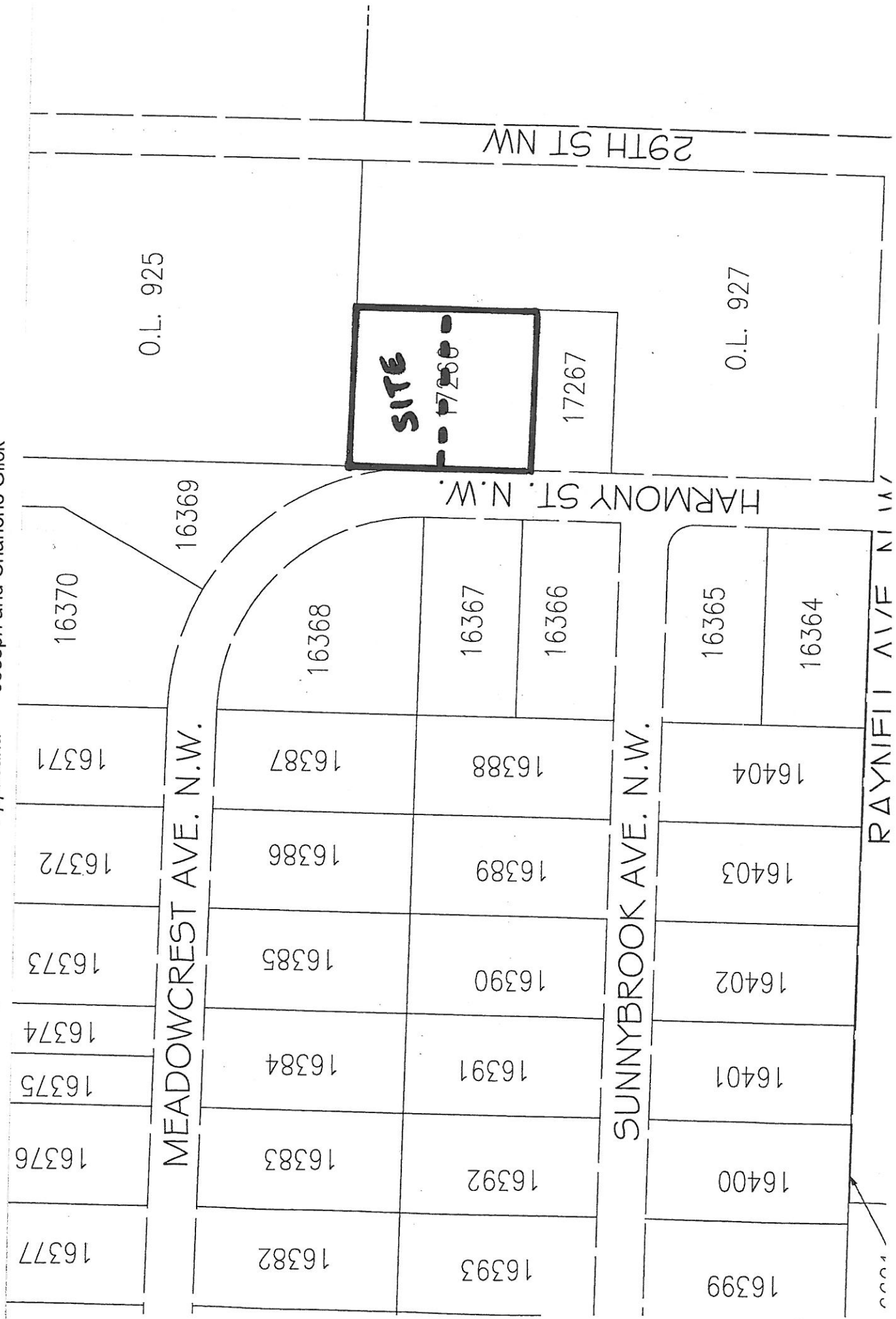


Replat - Harmony Street NW

Location: Lot 17266, located on the East side of Harmony, Street NW, north of Raynell Ave. The request is to split the property into two proposed building lots. The property is zoned R-3 Residential.

Variance Request: Section 1177.01, frontage on a public street. 90 feet of frontage is required, applicant has 23.72 feet for the north lot, requiring a variance of 66.28 feet. The south lot meets the zoning requirements.

Applicant: Joseph and Charlene Glick



VARIANCE REQUEST

I, Joseph Glick am requesting a variance on Parcel # 06-19378 Harmony St. NW. I would like to develop this parcel into two building lots. Please review the attached map for details.

Thanks for your consideration,

Joseph Glick

SURVEY VARIANCE PLAT

for

LOT 17266

IMG #2008-02-27-0008591

CITY of MASSILLON

STARK Co. OHIO

OWNER JOSEPH & CHARLENE GLICK

IMG #2007-08-20-0045655

PARCEL #06-19379

OL 925

2.83 AC

330.00' REC

S 84°58'26" E 165.07' MSR

165.00' REC

NORTH PART

15,449 S.F.

0.355 ACRES

LOT 17266

VACANT

(0.696 Ac.)

SOUTH PART

14,852 S.F.

0.341 ACRES

10' PRIVATE SAN. SEWER EASE.

S 84°59'26" E

165.01'

17267

B. & T. HEWITT

N 84°59'26" W 164.98' MSR

OL 927

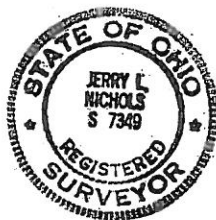
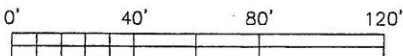
3.01 AC

HARMONY AVE SW 50'

29th ST NW
(GREENDALE AVE SW) CENTERLINE

LEGEND

- IRON BAR W/ 7016 CAP FD
 - IRON PIPE FOUND
 - ⊙ #5 REBAR W/JLN 7349 CAP SET
 - ⊠ DISK MON IN CONC FD
- SCALE 1" = 40'



I HEREBY CERTIFY THIS PLAT ACCURATELY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN OHIO, PUBLISHED IN CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE.

Jerry L. Nichols 03/27/08
JERRY L. NICHOLS DATE
REGISTERED PROFESSIONAL SURVEYOR # 7349

NICHOLS FIELD SERVICES, INC.
1258 DUEBER AVE. SW
CANTON, OHIO 44706



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