

A G E N D A
MASSILLON PLANNING COMMISSION
JUNE 11, 2008 7:30 P.M.
CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of May 14, 2008.*

2. *New Business*

Rezoning – University Village

Property Description: Out Lot 900, an 8.55 acre parcel located on the northwest corner of Richville Drive SE and Ohio State Drive SE in University Village.

Zone Change From: B-1 Local Business

Zone Change To: RM-1 Multiple Family Residential

Applicant: PRMDC Ltd., Fred Tobin

Proposed Use: Construction of an Assisted Living Residence for Seniors

3. *Old Business*

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. This item was tabled at the May 14, 2008 meeting.

Applicant: Joseph and Charlene Glick

SURVEY VARIANCE PLAT

for

LOT 17266

IMG #2008-02-27-0008591

CITY of MASSILLON

STARK Co. OHIO

OWNER JOSEPH & CHARLENE GLICK

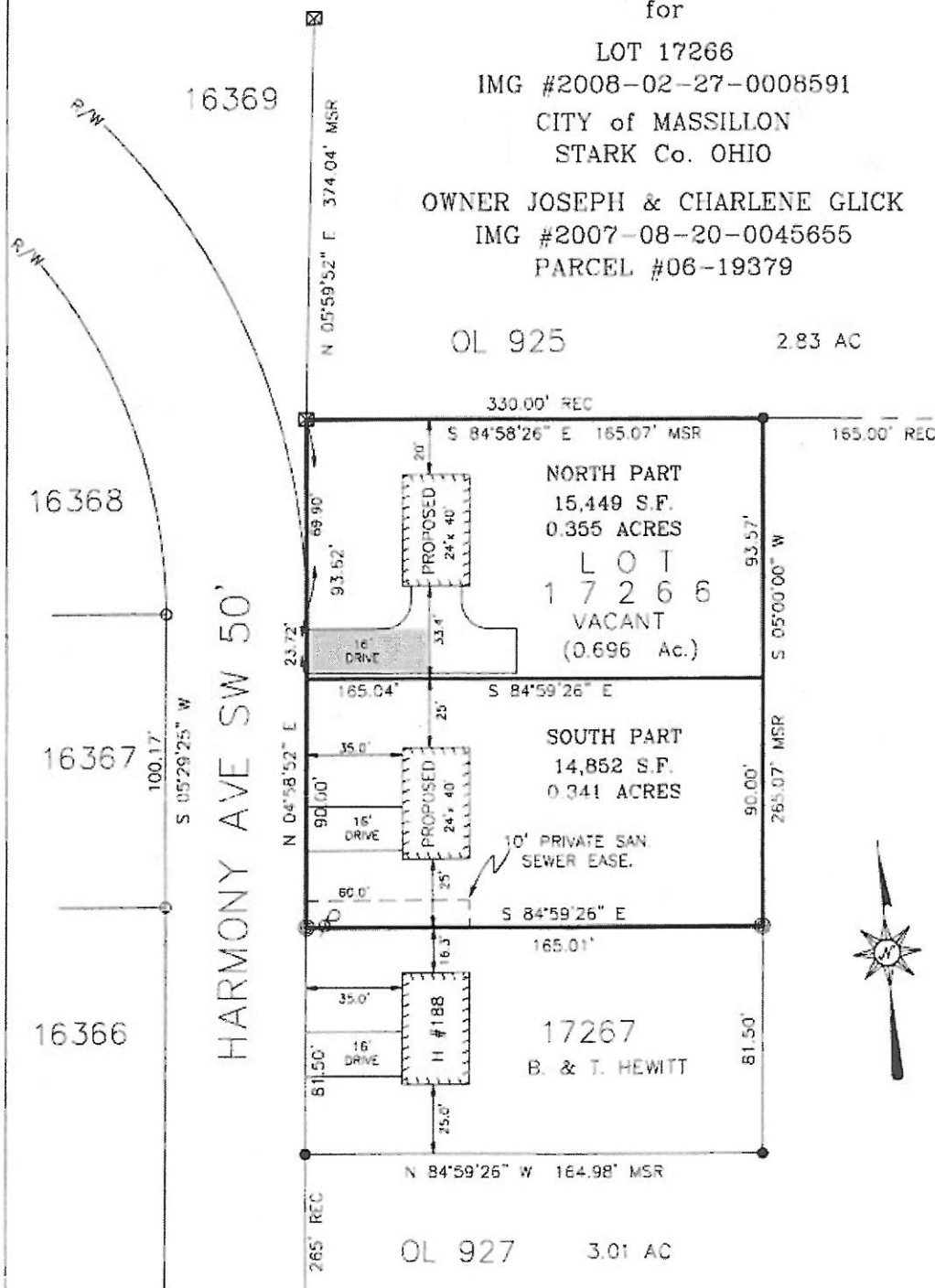
IMG #2007-08-20-0045655

PARCEL #06-19379

OL 925

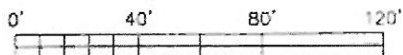
2.83 AC

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 MCN 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



TEL (330) 453-6588
FAX (330) 453-1764
EMAIL NFS2000@SBCGLOBAL.NET

NECL 2742

Massillon Planning Commission

May 14, 2008

The Massillon Planning Commission met in regular session on May 14, 2008, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Members

Chairman James Johnson
Vice Chairman Todd Locke
Mayor Francis H. Cicchinelli, Jr.
Susan Saracina
Joseph Luckring

Staff

Aane Aaby
Marilyn Frazier
Jason Haines

The first item of business was the minutes of the Commission meeting of April 9, 2008. Mr. Locke moved for approval, seconded by Mr. Luckring, motion unanimously carried.

The next item under new business was a replat/lot split presented by Mr. Haines.

Replat/Lot Split – 2066 Tremont Avenue SW

Location: Part of Out Lot 261, located on the north side of Tremont SW, east of 23rd St. NW. The request is to split the property into two parcels, one containing the residence and the other containing the existing business property. The property is zoned B-1 Local Business.

Applicant: Lori Gardner

This property was rezoned in 1999, to accommodate the business which is a hair salon. The owner, Lori Gardner, was present and explained that she is trying to refinance, but is having difficulty because the house and business are on the same parcel. Mrs. Saracina moved for approval, seconded by Mr. Locke, motion unanimously carried.

The next related items were presented together by Mr. Haines.

Vacation Plat – Nova Drive SE

Location: An irregular shaped portion of right of way located on the east side of Nova Drive SE, east of Nave Road. The request is to vacate the irregular portion of right of way, approximately 0.112 acres, and leaving no less than 60-foot right of way remaining for Nova Drive.

Applicant: Kim and Todd Schumacher, Alco Industries

Vacation Plat – Vista Avenue SE

Location: An irregular shaped portion of right of way located on the south side of Vista Avenue SE, east of Erie Street South. The request is to vacate the south half of the existing cul de sac area, approximately 0.299 acres, and leaving no less than 72-foot right of way remaining for Vista Avenue.

Applicant: Kim and Todd Schumacher.

Replat – Nova Drive SE

Location: Parts of Out Lots 560 and 600, located on the east side of Nova Drive SE, east of Nave Road. The request is to combine the property into two parcels, one containing the existing business and the other being a vacant parcel for future development. This request also includes the parcels of vacated roadway listed above. The property is zoned I-1 Industrial

Applicant: Kim and Todd Schumacher

These vacation plats on Nova Drive SE and Vista Avenue SE, along with the replat of Nova Drive SE, are necessary for Shearer's Foods and Brinks Inc. development projects. Brad Lightfoot was present representing BWL Engineering and Schumacher Construction.

Mayor Cicchinelli moved for approval, and Mrs. Saracina seconded for approval of the vacation of a portion of Nova Drive as described in the request. Motion unanimously carried.

Mr. Locke then moved for approval, and Mr. Luckring seconded to approve the vacation of a portion of Vista Avenue SE as described in the request. Motion unanimously carried.

Mr. Luckring moved for approval, and Mrs. Saracina seconded to approve the replat of parts of Out Lots 560 and 600, located on the east side of Nova Drive SE, east of Nave Road. Motion unanimously carried.

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

Lot Split, Dedication, and Easement Plat – Harsh Avenue SE

Location: Parts of Out Lot 313, located on the south side of Harsh Avenue SE, east of 20th Street SE. The request is to reconfigure the property lines to keep the existing buildings on one parcel of land, with the other parcel being vacant. Also included is the dedication of existing Harsh Avenue and sanitary sewer easements for the existing sewer lines. The property is zoned I-1 Industrial.

Applicant: Gary Holderbaum/Rick Holderbaum

This action is necessary because of a pending transfer of a portion of the above described property. Gary Holderbaum was present and commented that he's transferring a portion of the property to his son. Mrs. Saracina moved for approval, seconded by Mr. Luckring, motion unanimously carried.

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

Rezoning – Genshaft Park

Property description: Out Lot 542, a 17 acre parcel located on the southwest corner of Erie Street South and Nave Road SE.

Zone change from: I-1 Light Industrial

Zone change to: B-3 General Business

Applicant: City of Massillon

Proposed use: Construction of a commercial shopping center

The City has been in negotiations for the sale of Genshaft park, which is being proposed for a shopping center development. Brad Goldberg, Acquisition Specialist, was present representing Visconsi Companies, the developer who explained that a large department store (Kohl's) has been secured as a tenant.

Bill Schweizer, Vice President of ARE, stated although his company has concern about increased traffic, he welcomes the development and feels everyone can work together.

Carl Oser, 8201 Kellydale NW, commented on the development and items not on the agenda, including previous rezoning requests.

Mrs. Saracina moved to recommend approval of the request, seconded by Mr. Locke, motion unanimously carried.

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

Replat – Harmony Street NW

Location: Lot 17266, located on the east side of Harmony Street NW, north of Raynell Avenue. 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.

This item was tabled at the April 9, 2008 meeting.

Applicant: Joseph and Charlene Glick

This is the proposed site of two new homes. At the April 9, meeting, Commission Members expressed concern about the lack of adequate frontage. A suggestion was made for the owner to seek an easement from an adjacent property owner.

Mr. Glick was present and reported that the option of obtaining an easement has been ruled out. He also received counsel from Attorney James Snively, who submitted a letter which is included with these minutes. After a lengthy discussion about issues brought forth in the letter, Mayor Cicchinelli moved to table the item until the June meeting to allow the Engineer's Office and the Legal Department opportunity to research the zoning code and issues mentioned in the letter. Mr. Locke seconded the motion, which was unanimously carried.

The next item under Old Business was a rezoning request 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: 1-2 General Industrial District

Applicant: City of Massillon

Proposed use: To give this recently annexed property, which is an existing industrial facility, a zoning district classification under the Massillon City Zoning Code. At its March 12 meeting, the City had proposed I-1 Light Industrial Zoning for this property. The City is now requesting the Planning Commission reconsider its earlier recommendation and is proposing that the property be zoned I-2 General Industrial.

The day before the scheduled public hearing, the City was informed of additional options for the property, therefore the request is being changed from I-1 to I-2 General Business. Mr. Luckring moved for approval, seconded by Mr. Locke, motion unanimously carried.

The next item was a proposed zoning amendment presented by Mr. Aaby.

Proposed Amendment to the Zoning Code - Small Wind Energy Systems

The proposed amendment would add a new section to Chapter 1187 "Supplemental Zoning Regulations" that would establish regulations and requirements for the erection and use of small wind energy systems (i.e., windmills) in the City of Massillon.

After a brief discussion, Mr. Luckring moved to table the item to gather additional information, Mr. Locke seconded the motion, which carried unanimously.

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

Respectfully submitted,

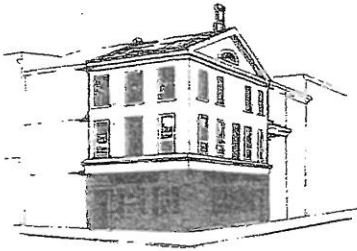


Marilyn E. Frazier, Commission Clerk

Approval:

MEF/ky

attachment



James D. Snively

Attorney & Counselor At Law

On the Square - Downtown Massillon

11 Lincoln Way East

Massillon, Ohio 44646

(330) 837-4251 * FAX (330) 837-4902

May 14, 2008

Mr. Joseph Glick

Dear Mr. Glick:

This will acknowledge that you and I have discussed your requested variance to build a home on Lot No. 17266 in the City of Massillon, Stark County, Ohio. It is my understanding that the issues involved are (1) lack of sufficient frontage on a public road and (2) the inability to run your sanitary sewer at least 10' from the water line.

Regarding the frontage issue, please be advised that the Massillon Zoning Code provides at Section 1121.02 (1) (48) that "lot width" means the horizontal distance between the side lot lines, measured at the two points where the building line, or set back line intersects the side lot lines. Thus, pursuant to the City Ordinance, the "lot width" should not be measured at the street frontage, but at the building set back line. In your case, there is 93.62 feet of "lot width". Thus, a variance should not be necessary for this issue.

Regarding the second issue, while it is true that you do not have the ability to have 10 feet between your sanitary sewer and water line, the EPA regulations do provide that "if possible, sanitary sewers and sewage force mains should be laid with at least a 10 foot horizontal separation from any water line. Sewers (or sewage force main) maybe laid closer than 10 feet to a water line if it is laid in a separate trench and elevation to the crown of the sewer (or sewage force main) is at least 18 inches below the bottom of the water line. If it is possible to maintain the 18 inch vertical separation when the sewer is laid closer than 10 feet to the water line, the sanitary sewer shall be encased in concrete or constructed of water line type materials which with stand a 50 psi water pressure test. Thus, the EPA recognizes that it, when it is not possible to have the 10 foot separation, there is an alternate solution and I would suggest that you request a variance for this alternate solution.

Very truly yours,


James D. Snively