

A G E N D A
MASSILLON PLANNING COMMISSION
May 11, 2016 **4:30 P.M. **

Getz Building Meeting Room (old Red Center building)
54 City Hall Street SE

***** Please note meeting time and location *****

- 1. Approval of the Minutes for the Commission Meeting of April 13, 2016.***
- 2. New Business***

Lot split and Replat : 1415 Valerie Avenue NE

Description: Known as Out Lot 646, located on the west side of Valerie Avenue NE and south of Ledgewood Blvd. The request is to split a small strip of land from the north side of the property so that it can be transferred to the neighboring owner to the north. This will create 3 final lots of 7.796 acres, 0.237 acres, and 0.020 acres. There is an existing home on the property. The area is zoned R-4 Residential and R-T Two Family Residential.

Variance Request: Section 1109.05 Lot requirements

Applicant: Sylvester and Debra Drobney

- 3. Old Business***

A G E N D A

MASSILLON PLANNING COMMISSION

April 13, 2016

The Massillon Planning Commission met on April 13, 2016 at 4:30 p.m. in the Getz building Meeting Room. The following members were present:

Members

Mayor Catazaro-Perry
Director Joel Smith
Ted Miller
Bob Richards
Barb Schumacher

Staff

Dave Maley
Jason Haines
Linda Mikutel

Mr. Miller, acting as Chairman, called the meeting to order at 4:30 p.m. The first order of business was to approve the minutes of the Commission meeting held February, 10, 2016. Ms. Schumacher moved for approval, seconded by Mr. Richards, the motion unanimously passed.

The first item on the agenda was a request to vacate an alley located at 318 – 1st Street NE, presented by Mr. Haines.

Alley Vacation: 318 1st Street NE

Description: Known as a 12-foot wide alley located between Thorne Avenue NE and Chestnut Avenue NE and running in an east/west direction between 1st Street and Conrad Place NE. The request is to vacate that section, beginning at 1st Street and continuing east approximately 132 feet. The vacated portions will be combined with adjoining lots 629, 15772, and 15773. The area is zoned O-1 Office. Applicant: Donald E. Lemon

Mr. Haines presented an aerial map showing the location of the alley and a signed petition to request the vacation. He pointed out that there are three parcels and one owner for all three properties involved.

Mr. Dennis Lemon, 318 First Street NE, was present as the applicant, and had nothing to add to Mr. Haines presentation.

Director Smith asked Mr. Lemon what was the purpose of vacating this alley, to which Mr. Lemon replied he felt it was a safety issue due to the fact that his business, which is located on the back Lot 15773, created a blind spot to traffic using the alley and that there were a lot of children in the area. Director Smith asked if he would be installing a fence. Mr. Richards suggested that a guard rail might be a better solution.

Director Smith asked Mr. Haines if after vacating the alley, would it become private property, to which Mr. Haines answered yes, it would become private property. Director Smith asked where the garbage pickup was, and Mr. Lemon answered that it was on First Street.

Mr. Haines stated that this request to vacate the alley would go before Council for approval.

With no further questions or comments, Mr. Miller asked for a motion to approve. Mayor Catazaro-Perry moved for approval with the condition the City install a No Thru Traffic sign, seconded by Ms. Schumacher, the motion was unanimously approved.

The next item on the agenda was an easement plat on Tommy Henrich Blvd NW, presented by Mr. Haines.

Easement Plat: Tommy Henrich Blvd. NW

Description: Lot 17416 and Out Lot 1122, located on the west side of Tommy Henrich Blvd NW, north of Lincoln Way. The request is to dedicate an ingress/egress easement for access to the Federal Avenue pump station and pond facilities and also a storm sewer easement for existing Route 21 storm sewers. This site is currently under construction for new retail and parking areas. The area is zoned B-2 Business. Applicant: 21 Lincoln Way Project LLC

Mr. Haines stated that this is the site of the new Chipolte Restaurant that is currently under construction. He explained that the City has a pump station building used for flood control that is located in the back of this property. An easement is necessary for access to the facility.

Mr. Haines presented a survey done for the developer that showed the location of the ingress/egress easements and the storm sewer easement that runs along State Route 21.

Mr. Haines, acted on behalf of the applicant in Mr. Dylewski's absence. Mr. Miller asked if there was much traffic, to which Mr. Haines answered, no.

With no further questions or comments, Mr. Miller asked for a motion to approve. Mayor Catazaro-Perry moved for approval, seconded by Ms. Schumacher, the motion was unanimously approved.

The next item on the agenda was a replat at 1108 Johnson Street SE, presented by Mr. Haines.

Replat: 1108 Johnson Street SE

Description: Lots 8253, 8254, and south part of Lot 8255, located on the east side of Johnson Street SE, at intersection of Arch Avenue. The request is to split vacant lot 8254 and combine parts of it with the lots to the north and south. The area is zoned R-1 Residential. Applicant: Habitat for Humanity/Roxanne Culberson

Mr. Haines explained that the applicant, Habitat for Humanity, is requesting to replat 3 lots into 2 lots. He presented an aerial map that shows an existing house on lot 8253. Director Smith asked if the house was occupied to which Mr. Haines replied that yes, it was occupied.

Mr. Bob Maurer, 1400 Raff Road SW, Canton, Ohio 44710, was present as the applicant for Habitat for Humanity. He stated that Habitat has owned lot 8255 for some time, but it was a little too small to build a home, so he applied to the Land Bank Program to acquire Lot 8254. In the meantime, a new owner took possession of the home on Lot 8253 and was told that she could apply to the Land Bank Program for the lot. To expedite the process, Mr. Maurer met with the new owner and made a compromise allowing Habitat 7 feet of Lot 8254 so that they could meet setback requirements for a new home.

With no further questions or comments, Mr. Miller asked for a motion to approve. Mayor Catazaro-Perry moved for approval, seconded by Mr. Richards, the motion was unanimously approved.

The next item on the agenda was a lot split/replat at 205 1st Street NW, presented by Mr. Haines.

Lot Split/Replat: 205 1st Street NW

Description: Parts of Lots 11, 12, 13; and all of Lot 17321, located on the west side of 1st Street NW. The request is to split a small piece of land from Lot 17321 and combine it with the lots to the south. Creating 2 final lots of 0.658 and 0.830 acres in size. There are existing businesses on both parcels. The area is zoned B-3 Business. Applicant: Yunds Car Wash/Lewis Bernard Ltd.

Mr. Haines explained that this is the site of Yund's Car Wash and presented an aerial map. The aerial map showed Lot 17321 as vacant, but Midwest Health Services has been built since the map was published. He also presented a survey done by Cooper & Associates that showed the location of both businesses, and stated that 0.0367 acres are to be transferred to Yund's Car Wash from Lot 17321.

Mr. Jay Bomze, 205 First Street NW, Massillon, Ohio 44647, was there to represent Yund's Car Wash. He distributed a picture to the Committee members to show that Yund's is proposing to acquire a 12' wide strip of land from Midwest Health Services to build a 3rd lane (Fast Pass only lane) for their car wash. He stated that there is an agreement in place between Midwest Health Services and the Yund's Family Trust.

With no further questions or comments, Mr. Miller asked for a motion to approve. Mayor Catazaro-Perry moved for approval, seconded by Ms. Schumacher, the motion was unanimously approved.

With no further business, Mr. Miller adjourned the meeting at 4:57 p.m.

Respectfully submitted,


Linda Mikutel, Commission Clerk

CITY OF MASSILLON, OHIO

PLAT PROCESSING APPLICATION

This application form shall be completed for all plats submitted for approval to the City of Massillon Engineering Department, including subdivisions, street dedications, street vacations, and replats. The Engineering Department will forward all plats received to the City Planning Commission for approval. All applicants must appear, or be represented, at the Planning Commission Meeting in order for the City to act on the plat request. The next regularly scheduled meeting of the City Planning Commission will be _____

1. Identification and Description of Plat: Re-pat of Out Lot 646 in the City of Massillon,
Stark County, State of Ohio
2. Engineer/Surveyor: Edward C. Metzger
3. Property Owner Information (Use additional sheets if necessary)

<u>Lot No.</u>	<u>Owner</u>	<u>Address</u>
OL 646	Sylvester J. Drobney	1415 Valerie Ave. NE, Massillon, OH 44646
	Debra L. Drobney	

I, the undersigned, certify that the above information is correct; and further, as the applicant, do hereby agree to pay all recording costs and transfer fees necessary to complete the processing of this plat.

Date: 5/2/16

Debra L. Drobney
Signature of Applicant

Telephone No. 330-495-6627

April 4, 2016

Board of Zoning Appeals/Flood Plain Administration
151 Lincoln Way East
Massillon, OH 44646

Re: Application for Variance

Dear Board Members:

This Application is submitted pursuant to the Codified Ordinances of the City of Massillon, Ohio Section 1185.11(d)(1)

Name: Sylvester J. Drobney
Address: 1415 Valerie Ave. NE
Massillon, OH 44646
Telephone Number:

Legal Description of Property: Situated in the City of Massillon, County of Stark, State of Ohio:
Known as and being Out Lot Number 646 as shown on the Annexation Plat recorded in Plat Book 58, Page 4,
Stark County Plat Records
Parcel Number: 616899
Instrument Number: 201203200012012

Parcel Map: See Attached

Location of Flood Plain: See Attached

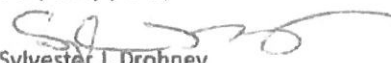
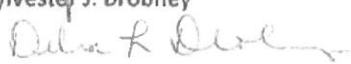
Description of Existing Use: Residential Family Dwelling

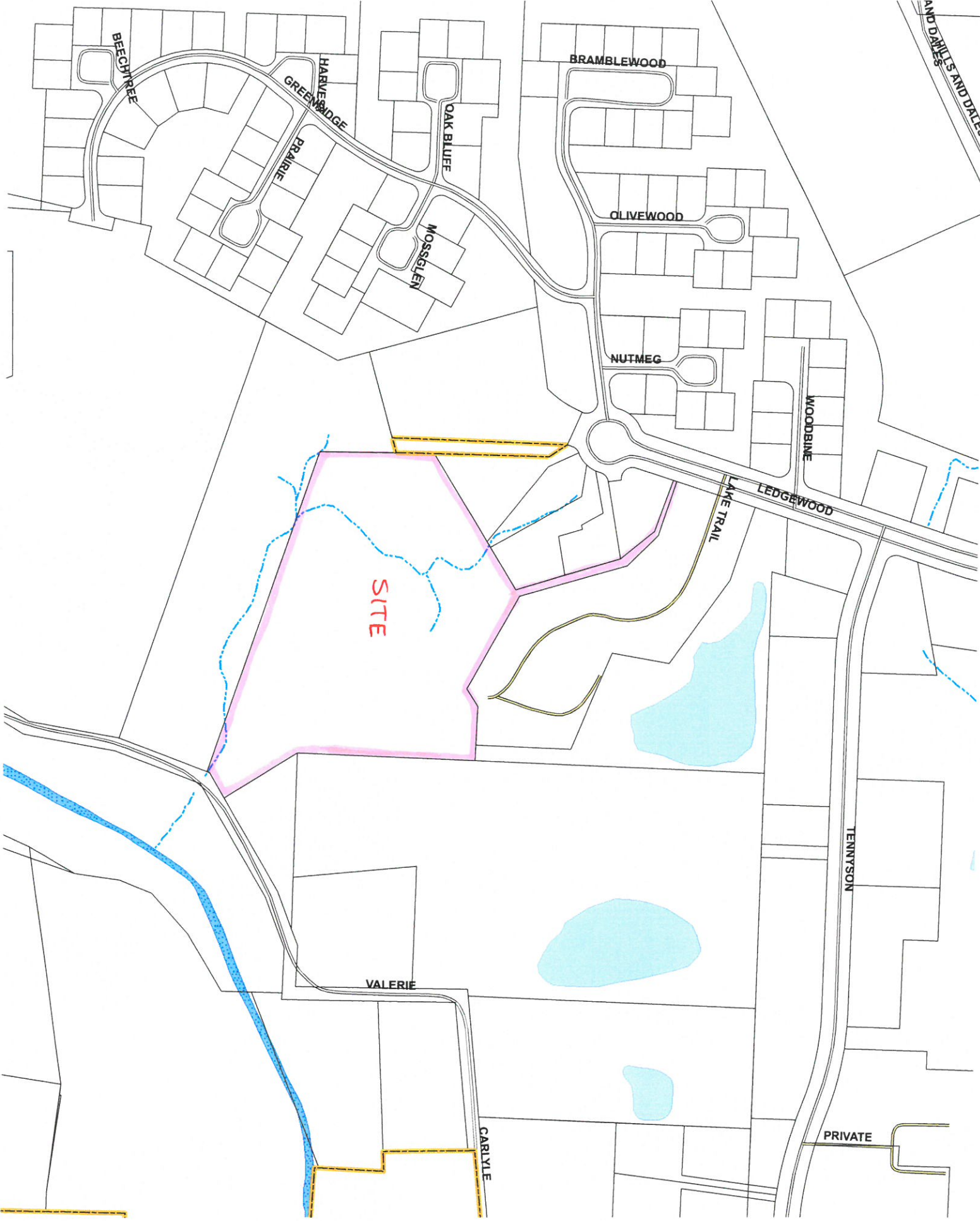
Description of Proposed Use: Residential Family Dwelling

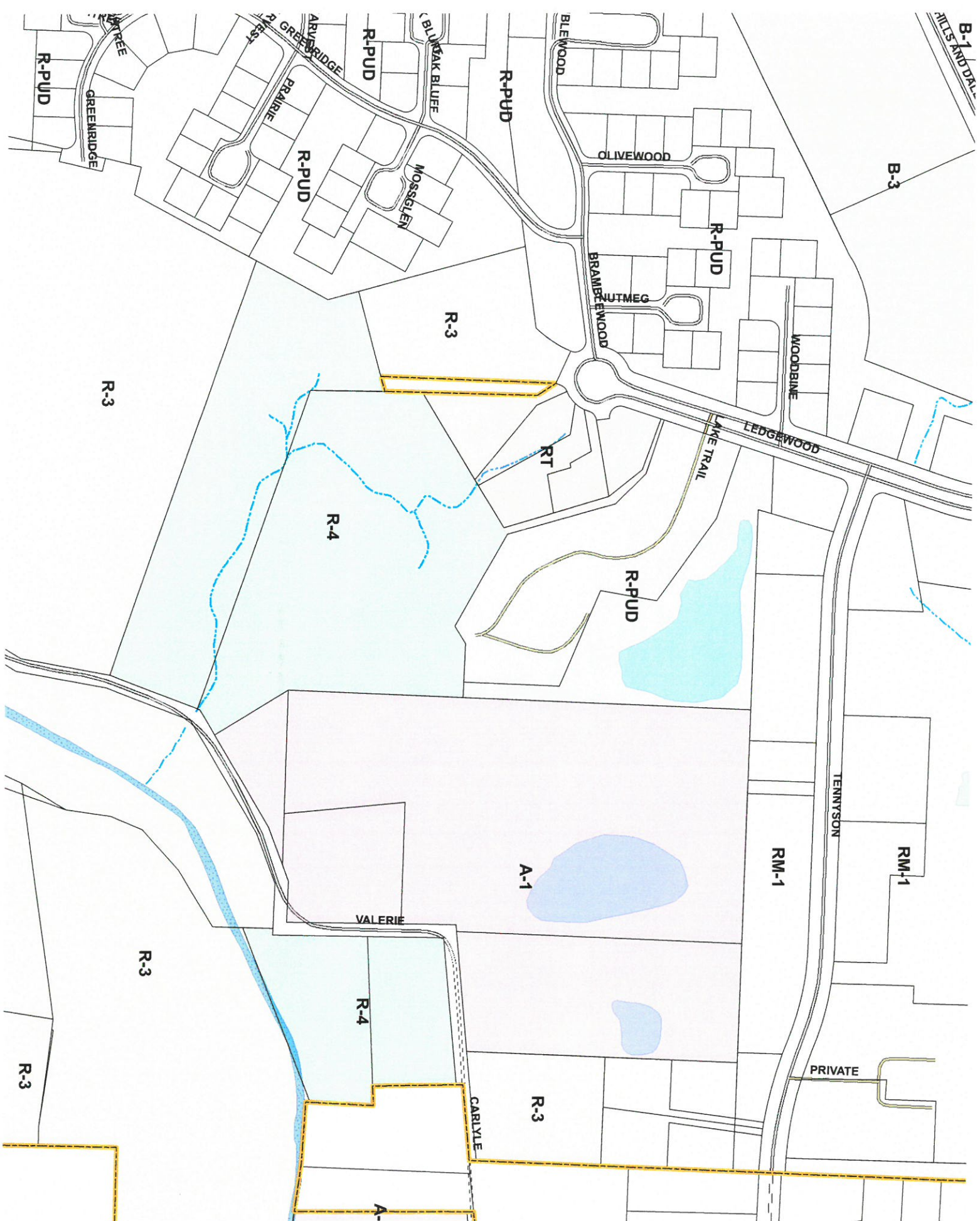
Description of Variance Sought: Applicant seeks a variance to the lot requirements of Section 1109.05 (d) due to the re-plat of Lot 646.

Reason of the Variance Request: The re-plat of Out Lot 646 is necessary pursuant to the terms of the settlement between Ledgewood Condominium Owners Association, Inc. and Sylvester Drobney et al. Case No. 2015 CV 1082 Stark County Common Pleas Court. Granting this variance will not result in a nuisance, or have an adverse impact of the use, enjoyment or value of either Applicant's property or the adjoining condominium property.

Very truly yours,

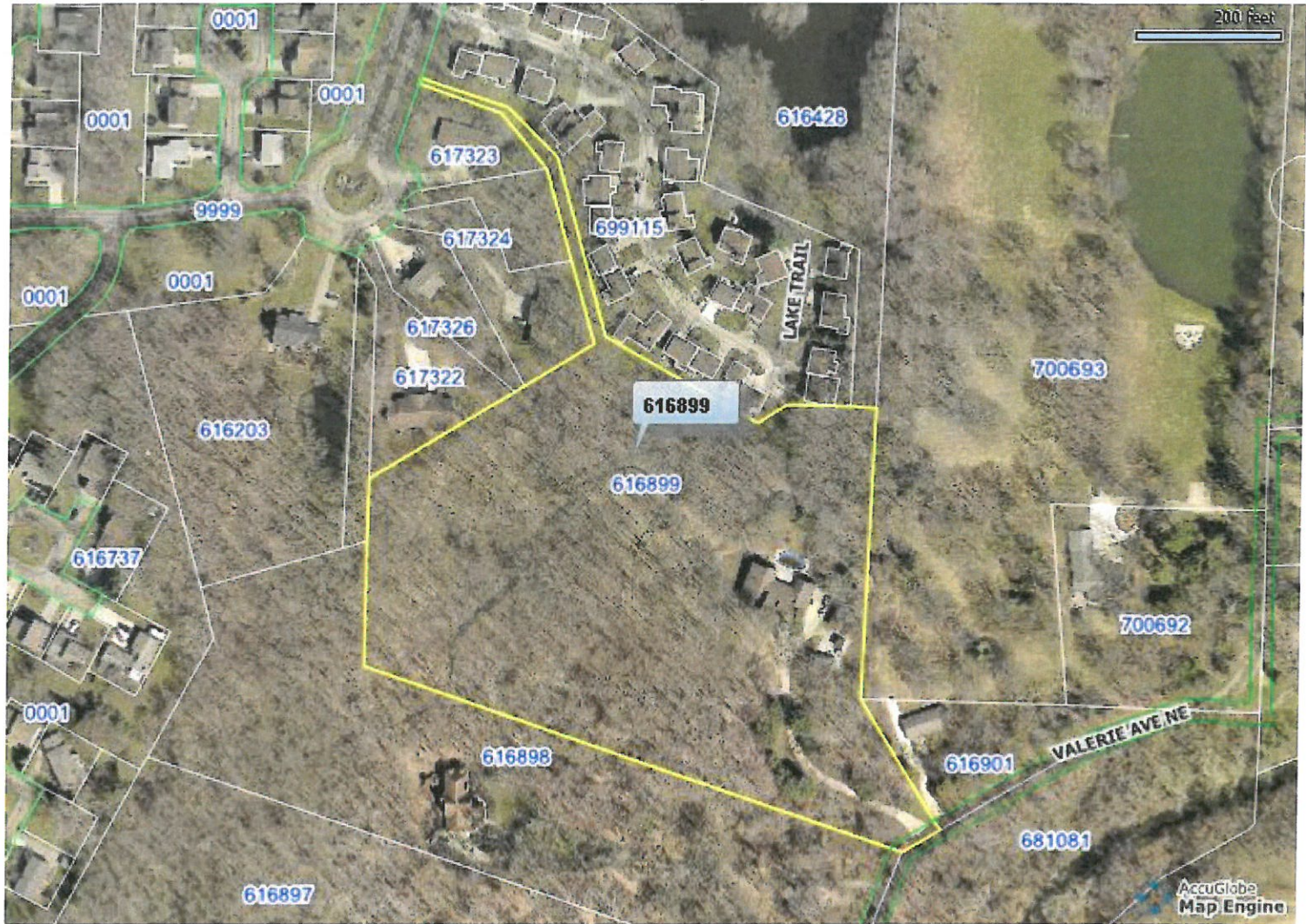

Sylvester J. Drobney

Debra L. Drobney







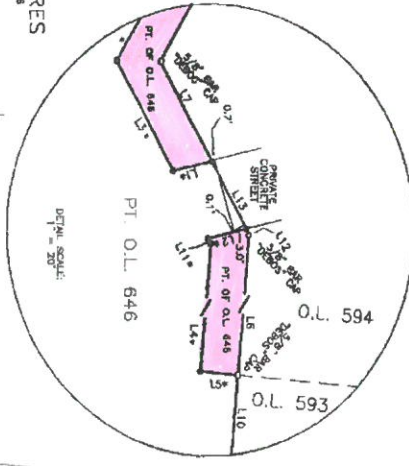
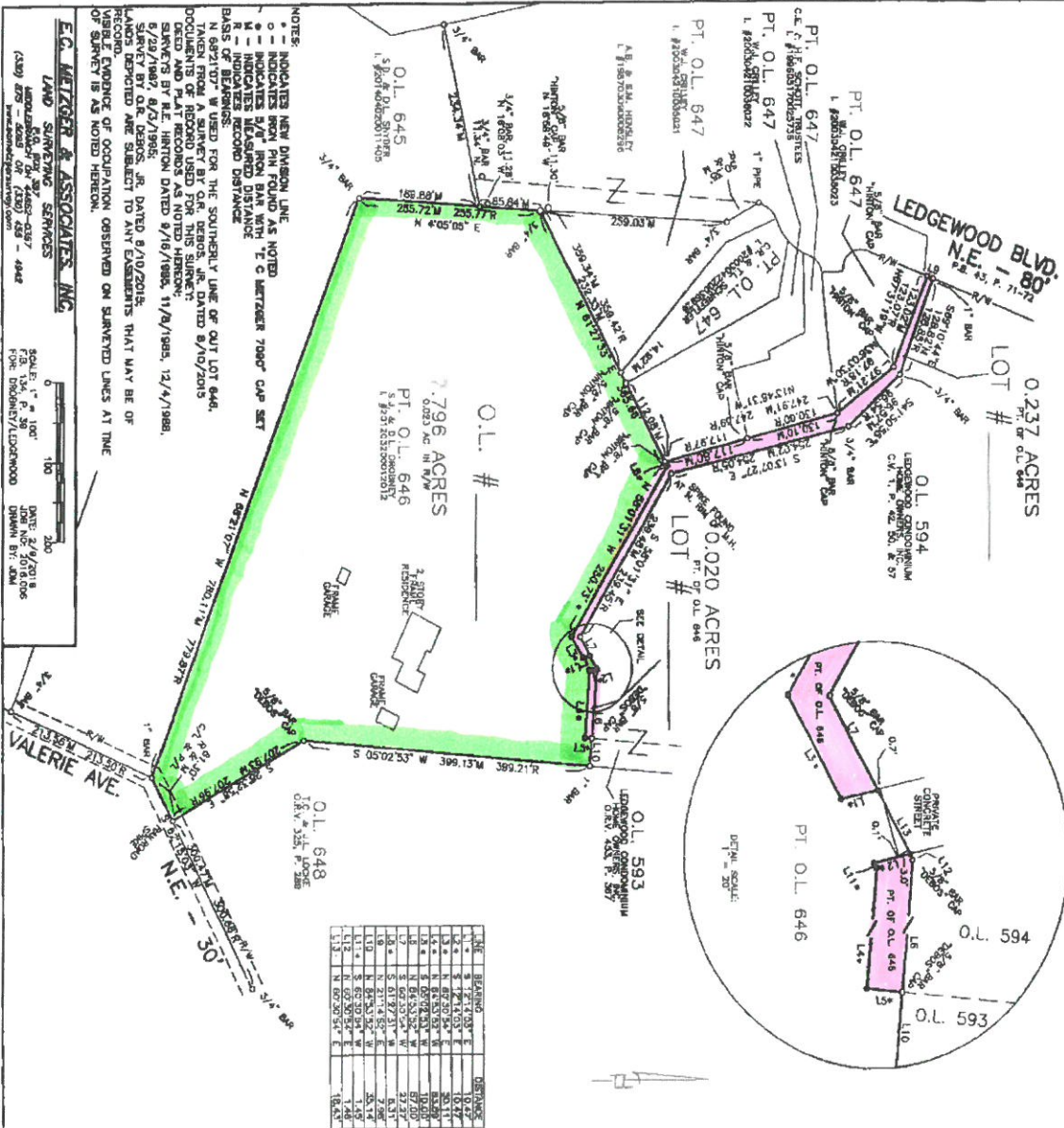
Stark County GIS



Notes

REPLAT OF OUT LOT 646

IN THE CITY OF MASSILLON, STARK COUNTY, STATE OF OHIO
BEING LANDS OWNED BY STARK COUNTY, OHIO, RECORDED IN INSTRUMENT
#20130320000012 OF THE STARK COUNTY RECORDS



LINE	BEARING	DISTANCE
1	N 1° 10' 00" E	10.00
2	N 89° 50' 00" E	10.00
3	S 1° 10' 00" W	10.00
4	S 89° 50' 00" W	10.00
5	N 1° 10' 00" E	10.00
6	N 89° 50' 00" E	10.00
7	S 1° 10' 00" W	10.00
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9	N 1° 10' 00" E	10.00
10	N 89° 50' 00" E	10.00
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97	N 1° 10' 00" E	10.00
98	N 89° 50' 00" E	10.00
99	S 1° 10' 00" W	10.00
100	S 89° 50' 00" W	10.00

I HEREBY CERTIFY THAT THIS MAP REPRESENTS A BOUNDARY SURVEY PERFORMED IN
STARK COUNTY, OHIO, BY ME, IN ACCORDANCE WITH CHAPTER 4733-37 OF THE OHIO
ADMINISTRATIVE CODE

Edward Metzger 3/16/16 DATE
EDWARD C. METZGER, CHIEF PROFESSIONAL SURVEYOR 7090 DATE

PLANNING COMMISSION
APPROVED BY THE MASSILLON PLANNING COMMISSION AT A MEETING

WED _____

TODD LOOSE
CHAIRMAN
MASSILLON CITY ENGINEER

LOT NUMBERS _____ & _____ ASSIGNED BY THE MASSILLON CITY ENGINEER.

OUT LOT NUMBER _____ ASSIGNED BY THE MASSILLON CITY ENGINEER.

KEITH A. DYKSEN, P.E., P.S.
MASSILLON CITY ENGINEER

DATE _____

ACKNOWLEDGEMENT

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE LAND
DELINEATED HEREON, DO HEREBY ACKNOWLEDGE THE SIGNING OF THE SAME TO BE OUR
FREE ACT AND DEED, AND DO HEREBY REPLAT OUR LAND.

STANLEY J. DROBNEY
DEBRA L. DROBNEY

NOTARY PUBLIC

BEFORE ME, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY
APPEARED THE ABOVE, WHO ACKNOWLEDGE THE SIGNING OF THE SAME TO BE THEIR FREE
ACT AND DEED ACCORDING TO LAW, IN WITNESS WHEREOF, I HEREBY SET MY
HAND AND SEAL THIS _____ DAY OF _____, 20____

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

STARK COUNTY AUDITOR

ENTERED FOR TRANSFER THIS _____ DAY OF _____, 20____

ALAN HAROLD
STARK COUNTY AUDITOR

STARK COUNTY RECORDER

RECORDED FOR RECORD THIS _____ DAY OF _____, 20____

RECORDED IN INSTRUMENT NUMBER _____

RICK CAMPBELL
STARK COUNTY RECORDER

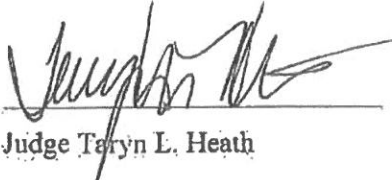
E.C. METZGER & ASSOCIATES, INC.
LAND SURVEYING SERVICES
1400 W. 14TH ST. SUITE 100
MASSILLON, OHIO 44862
PHONE: 330.200.1000 FAX: 330.200.1001
WWW.ECMETZGER.COM



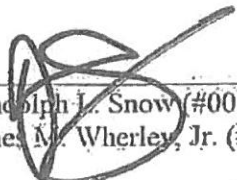
ENTERED BY 14

IT IS SO ORDERED.

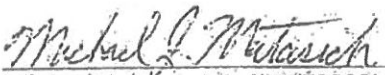
Date


Judge Taryn L. Heath

AGREED:


Randolph L. Snow (#0015846)
James M. Wherley, Jr. (#0073932)

*Counsel for Plaintiff and Counterclaim-
Defendants*


Michael J. Matasich (#0078333)
Casey J. Davis (#0092110)

Counsel for Defendants and Counterclaim-Plaintiffs

COUNSEL/PARTY WHO PREPARED
THIS ENTRY SHALL PRESENT A
COPY OF THIS ENTRY TO ALL OTHER
COUNSEL/PARTIES OF RECORD
PURSUANT TO LOC. R. 18
JUDGE TARYN L. HEATH

CL2:442610_v2

Massillon Planning Commission
Wednesday, May 11, 2016 at 4:30 p.m.
Getz Meeting Room

Sign in Sheet

Name:

Address and/or organization

Jim Wherley WHERLEY

Black McCuskey Souers & Airbough

Jerry Miller

Black McCuskey

A G E N D A
MASSILLON PLANNING COMMISSION
May 11, 2016 **4:30 P.M.**

Getz Building Meeting Room (old Red Center building)
54 City Hall Street SE

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2. New Business

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Variance Request: Section 1109.05 Lot requirements

Applicant: Sylvester and Debra Drobney

3. Old Business

① Drobney
1415 Valerie Ave NE
Massillon 44646

② jmillen @ bmsa.com

2016 PLANNING COMMISSION

Mayor Kathy Catazaro-Perry

900 Mill Ridge Path NE
Massillon, OH 44646
Work: 330-830-1700
Mobile: 330-418-7398
mayorkathy@massillonohio.com

Joel Smith

Safety Service Director
Work: 330-830-1702
Mobile: 330-353-1800
jsmith@massillonohio.com

Todd Locke, Chairman

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Massillon, OH 44646
Home: 330-837-0064
Work: 493-8866 Ext. 119
*Cell: 330-936-2055
ctlocke@wrladv.com

Ted Miller

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Mobile: 330-704-8116
tmiller@imaging2000.com

Elaine Campbell

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*Mobile: 330-327-7530
elainem.campbell@cantonmercy.org

Ted Schartiger

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tigergal65@aol.com

Bob Richards

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rprichards@sssnet.com

Barb Schumacher

1532 Merino Cr. NE
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Work: 330-832-7411, Ext. 146
Mobile: 330-418-8971
bschumacher@aahammersmith.com

Mark Hickey

1623 Coventry Road NE
Massillon, OH 44646
Home: 330-837-2462
Mobile: 330-495-5784
mhickey@farmersagent.com

Newspapers, radio, etc.

Only get copy of agenda:

Robert McCune
The Independent
50 North N.W. (833-2634 #81124)
Massillon, Ohio 44647

Benjamin Duer
The Repository (580-8300 #8567)
500 Market Avenue South
Canton, Ohio 44702

ESPN 990
P. O. Box 608 (837-9900)
Massillon, Ohio 44648

Account Relations Dept.
East Ohio Gas
4725 Southway Street SW
Canton, Ohio 44706-1936

Special Notes: Be sure to call newspapers
and radio station with any time change in
meeting. Also call WHBC.

Extra copies w/sign in sheet for mtg

City Council/ AGENDA only

Make 11 - 1 EXTRA for Clerk=12

Date: 5/11/2016