

A G E N D A

Massillon Planning Commission
July 11, 1984 7:30 P.M.
Massillon City Council Chambers

1. Approval of the Minutes for the June 13, 1984, Commission Meeting (to be distributed at the Meeting).
2. Petitions and Requests

Rezoning Request

Location: Lots No. 11798, 11799, 11800, 11801, 11802, 11803, 12410, and 12411, located between 15th Street, S.E., and 16th, S.E., near Woodland Avenue, S.E. Presently zoned R-T Two-Family Residential, the request is to rezone this property to RM-1 Multiple Family Residential for the purpose of constructing two 3,200 sq. ft. 4- bedroom buildings to be used as group homes for the mentally retarded. The request has been submitted by Frank E. Murphy, Director of Development, VOCA Corporation, Columbus, Ohio.

3. Other Business

Proposed Zoning Amendment

Frank Cicchinelli, Chairman of the Community Development and Annexation Committee of City Council, has requested that the Planning Commission review and investigate the need for establishing a mobile home park zoning district for the City. Presently, mobile home parks are regulated in the City Zoning Ordinance under Section 170.157 "Uses Not Otherwise Included Within A Specific Use District."

Agricultural District

See attached letter regarding the establishment of agricultural districts within a municipal corporation, in accordance with the requiremnts of Section 929 of the Revised Code.

A G E N D A

Massillon Planning Commission
June 13, 1984 7:30p.m.
Massillon City Council Chambers

1. Approval of the minutes for the May 9, 1984, meeting.
2. Petitions and Requests

Rezoning Request

Location: 314 Tremont Avenue, S.E., Lot No. 2179, presently zoned RM-1 Multiple-Family Residential, to be rezoned B-1 Local Business. The request has been submitted by Lisa L. Shiplett who wishes to operate a variety store at this site.

Rezoning Request

Location: 28 Shriver Avenue, S.E., Lot NO. 4419, presently zoned R-1 Single Family Residential, to be rezoned RM-1 Multiple Family Residential. The request has been submitted by Mary Ingram who wishes to operate a group home at this site.

3. Other Business.

The Massillon Planning Commission met in regular session on June 13, 1984, at 7:30 P.M. in City Council Chambers. The following were present:

Members

Fred Wilson, Chairman
Rev. Dodson, Vice Chairman
Henry Joiner
Doris Hintz
Bernie Green
Rudy Turkal
Pearl Gray

Staff

Robert Wagoner
Marilyn Frazier

The first item for consideration was the minutes of the May 9, 1984 meeting. The minutes were approved as prepared.

The next item was a rezoning request, Location: 314 Tremont Avenue, S.E. Lot No. 2179, presently zoned RM-1 Multiple-Family Residential, to be rezoned B-1 Local Business. The request has been submitted by Lisa L. Shiplett who wishes to operate a variety store at this site. Mr. Wagoner stated that Ms. Shiplett presently operates TSM Variety Store, located at 135 Federal Avenue, N.W. She wants to move this business into rental property she currently owns to reduce her business expenses, as she rents her business space at 135 Federal. She also owns Lot No. 9181 and a portion of Lot No. 2181, located along Wellman Avenue, to the rear of 314 Tremont Ave., S.E. When she filed her application she asked about using these other properties for off-street parking. If so, these other properties should be considered for rezoning. There is presently no Business Zoning on the east side of Tremont Avenue, S.E. Ms. Shiplett was present and stated that she can not afford to continue to rent space at the present site and wanted to utilize this residence for the business. Mr. Wilson stated that there has some improvements on 3rd Street to residential properties. Also, this request would be extending the business district along Third Street. Mr. Green moved to recommend denial of the request, seconded by Mrs. Gray, motion carried 5-1, with Rev. Dodson opposing.

The next rezoning request was for 28 Shriver Avenue, S.E., Lot No. 4419, presently zoned R-1 Single Family Residential, to be rezoned RM-1 Multiple-Family Residential. The request had been submitted by Mary Ingram who wishes to operate a group home at this site. Mr. Wagoner also presented this request. He explained that Mrs. Ingram wishes to utilize the house on this property as a group home for approximately 4 persons under an arrangement with Apple Creek. The City Building Inspector has reported that State Law permits "family" group homes serving 5 or fewer individuals to be located in Single-Family Residential Districts only on the condition that the home be licensed as a "family group home" by the Ohio Department of Mental Retardation, Department of Developmental Disabilities. Otherwise, the group home must be located in a multiple-family residential district. Mrs. Ingram has reported that she has not applied to the State for a "family group home" license; therefore, she must seek rezoning of her property in order to operate a group home. There was much discussion as to whether this rezoning was needed. Mr. Joiner then moved to recommend approval of the request, seconded by Mrs. Hintz. Rev. Dodson then stated that she may not need the rezoning and he didn't feel that she should have to follow through with something that she may not need. He stated further that she should receive a full refund of her filing fee if she decided to withdraw the application. Mr. Joiner then withdrew his motion, and Mrs. Ingram stated that she wanted to withdraw her request because she felt assured that she

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June 13, 1984
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would be able to obtain a license. Rev. Dodson moved that the Commission take no action and Mrs. Ingram received a full refund of her filing fee, Rudy Turkal seconded, motion carried unanimously.

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully submitted:

Marilyn Frazier, Clerk

Approved:

Fred Wilson, Chairman

The Massillon Planning Commission met in regular session on July 11, 1984, at 7:30 P.M. The following were present:

Chairman Fred Wilson
Mayor Delbert A. Denner
Ted Willoughby
Bernie Green
Pearl Gray
Doris Hintz

Councilman Frank Cicchinelli
Robert Wagoner
Marilyn Frazier

The minutes of the June 13, meeting were approved as prepared.

There was only one item under Petitions and Requests, which was a Rezoning Request. Location: Lots No. 11798, 11799, 11800, 11801, 11802, 11803, 112410, and 12411, located between 15th Street, S.E., and 16th Street, S.E., near Woodland Avenue, S.E. Presently zoned R-T Two-Family Residential, the request is to rezone this property to RM-1 Multiple Family Residential for the purpose of constructing two 3,200 sq. ft. 4 bed-room buildings to be used as group homes for the mentally retarded. The request has been submitted by Frank E. Murphy, Director of Development, VOCA Corporation, Columbus, Ohio. Mr. Wagoner presented the request. This property is presently owned by Victor P. Berarducci, but VOCA Corp. of Columbus, Ohio, has an option to purchase the property according to Bridon Realty. A petition was not filed with the application. The density in the area is more than adequate. There is limited storm sewer in the area. There was a representative from VOCA present who explained the operation of the homes. They are to be staffed 24 hours a day. Even though the people who would live in these homes have been institutionalized, they don't have behavioral problems. The present trend seems to be this type of program as opposed to operating state institutions. VOCA is interested in developing the excess land into some type of park that could be used by the neighborhood as well as the residents. After some additional discussion by the members, Mayor Denner moved for approval, seconded by Doris Hintz, motion carried unanimously.

The next item, which was under Other Business was a Proposed Zoning Amendment. Frank Cicchinelli, Chairman of the Community Development and Annexation Committee of City Council, has requested that the Planning Commission review and investigate the need for establishing a mobile home park zoning district for the City. Presently, mobile home parks are regulated in the City Zoning Ordinance under Section 170.157 "Uses Not Otherwise Included Within A Separate Use District." Mr. Cicchinelli was present and addressed the Commission. He stated that he feels that there is a need for a separate mobile home district. He has talked to owners of the park off 27th Street, N.W. and they are interested in becoming a part of the City, but need some type of protection in case of future expansion. Mayor Denner and some of the other members commented on the changes that have been made in mobile homes in recent years. Ted Willoughby moved to authorize the Planning Department staff to investigate a separate mobile home park district and report back to the Commission, seconded by Mrs. Hintz, motion carried.

The final item before the Commission was concerning Agricultural District. Mr. Cicchinelli addressed the Commission on this item also. Anne Aaby had done some investigation of possible agricultural district and found that according to the Ohio Revised Code a separate zoning district was not needed. (A copy of Mr. Aaby's letter is a part of these minutes) Mr. Cicchinelli stated that he was not in agreement completely with this theory. There are some property owners who are interested in annexing to the City but would like some safeguards concerning farming. There are some cities in Ohio that do have a separate agricultural zoning district. He said that he

THE CITY OF MASSILLON, OHIO

INTERNAL CORRESPONDENCE

TO..... Massillon Planning Commission

DATE July 6, 1984

FROM... Aane Aaby, Assistant Planning Director

SUBJECT Establishment of Agricultural Districts
within a municipal Corporation

The establishment of agricultural districts to preserve agricultural land is regulated under Chapter 929 of the Ohio Revised Code. The State Legislature recently passed revisions to this Chapter, which took effect in January 1983. This state law provides that any person who owns agricultural land may file an application with the county auditor to place the land in an agricultural district for 5 years if, during the 3 calendar years prior to the year in which he files the application, the land has been devoted exclusively to agricultural production. In addition, the following requirements must be met:

1. The land must be composed of tracts, lots, or parcels that total not less than 30 acres; or
2. The activities conducted on the land must have produced an average yearly gross income of at least \$2,500 during the previous three year period.

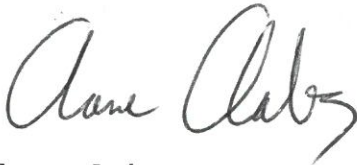
State law also requires that if the land is within a municipal corporation or if an annexation petition that includes the land has been filed with the board of county commissioners, then the owner must file a copy of the application for inclusion in an agricultural district with the clerk of the legislative body of the municipal corporation. The Legislative body must then hold a public hearing on the application, prior to final approval or rejection of the request. An applicant whose request has been denied has the right to file an appeal with the Court of Common Pleas.

The State law also includes provisions for filing a renewal application to continue the inclusion of all or part of the land in an agricultural district for an additional five year period. State law also provides for the withdrawal or discontinuation of land from an approved agricultural district.

The establishment of an agricultural district is not a zoning classification but a land use classification used by the county auditor in calculating real property taxes. In addition, no public entity shall collect an assessment for sewer, water, or electrical service on real property within an agricultural district without the permission of the owner (except that any assessment may be collected on a lot surrounding a dwelling or other structure not used in agricultural production that does not exceed one acre in size).

Another effect of establishing an agricultural district under the State law is that civil actions for nuisances involving agricultural activities will not hold up in court if the agricultural activities were conducted within an agricultural district in accordance with generally accepted agricultural practices and not in conflict with any federal, state, or local laws.

With these provisions of the Ohio Revised Code regulating the establishment of agricultural districts, it is probably not necessary for the City to consider creating a separate Agricultural District under the Zoning Code. Agricultural uses are currently permitted in the city under the R-1, R-2, and R-3 Single Family Residential Districts. Property owners who wish to have their farms assessed by the County Auditor as agricultural uses must follow the procedure established under State law. This procedure does give the City the authority to review and approve any such application.



Aane Aaby
Assistant Planning Director

cc: Frank Cicchinelli, Chairman
Community Development & Annexation Committee

THE CITY OF MASSILLON, OHIO

INTERNAL CORRESPONDENCE

TO..... AANE AABY, Assistant Planning Director

DATE June 28, 1984

FROM... FRANK CICCHINELLI, Chairman Community Development and Annexation Committee

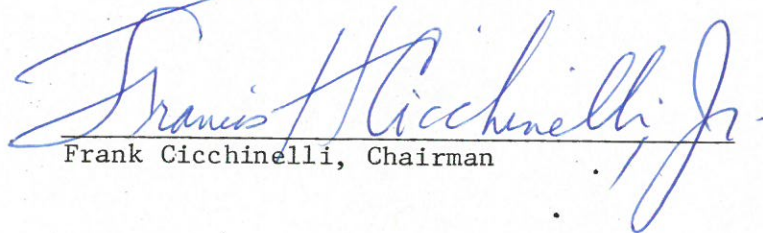
SUBJECT Mobile Home Zoning

Dear Mr. Aaby:

I am requesting that the Massillon Planning Commission consider recommending the establishment of a mobile home park zoning classification within the city limits at their earliest convenience.

Thank you for your consideration.

Respectfully,



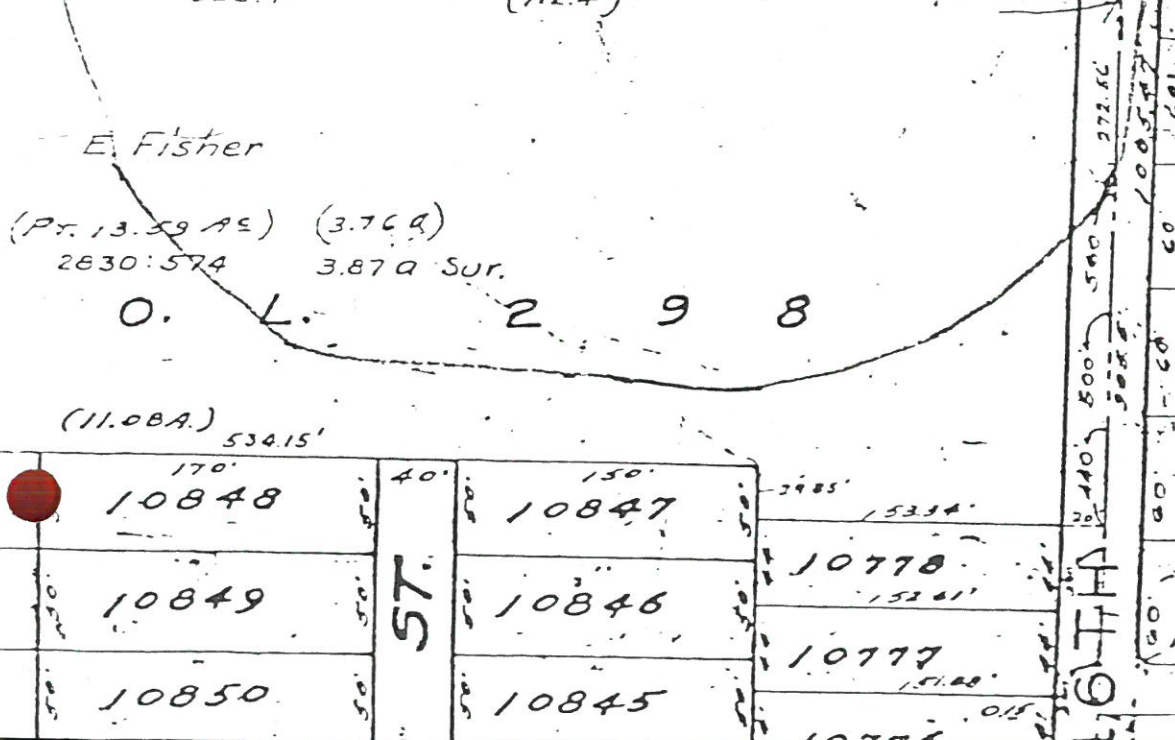
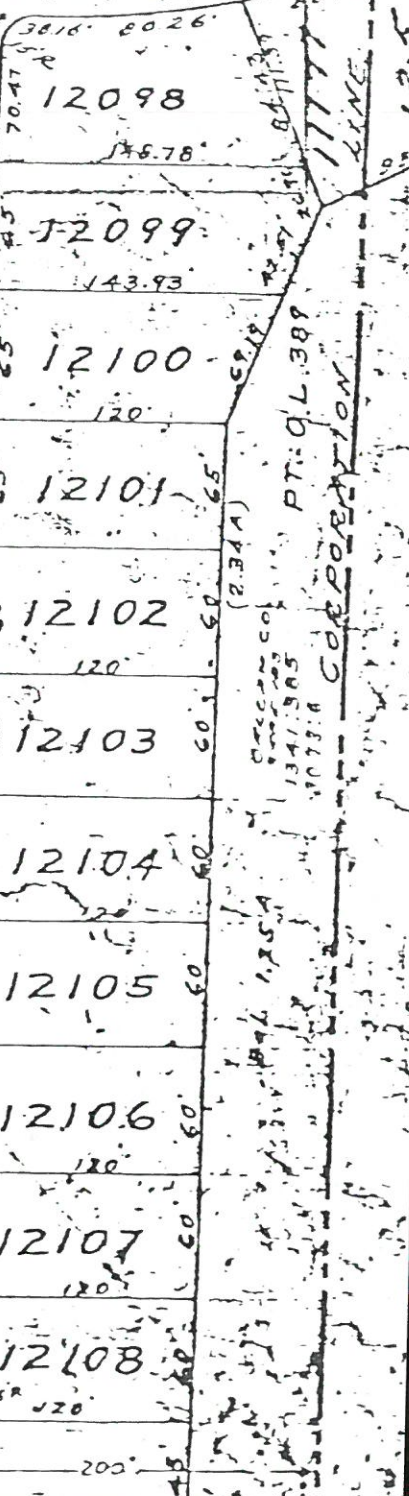
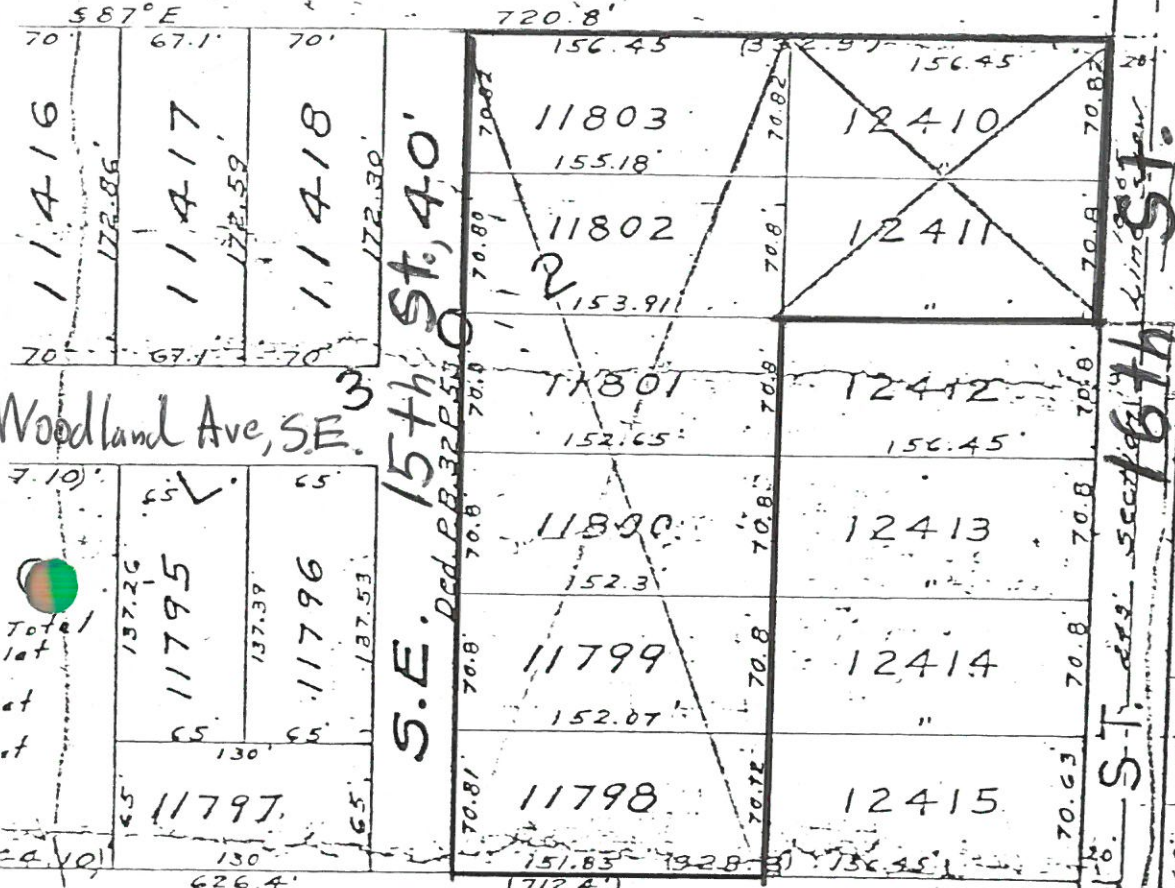
Frank Cicchinelli, Chairman

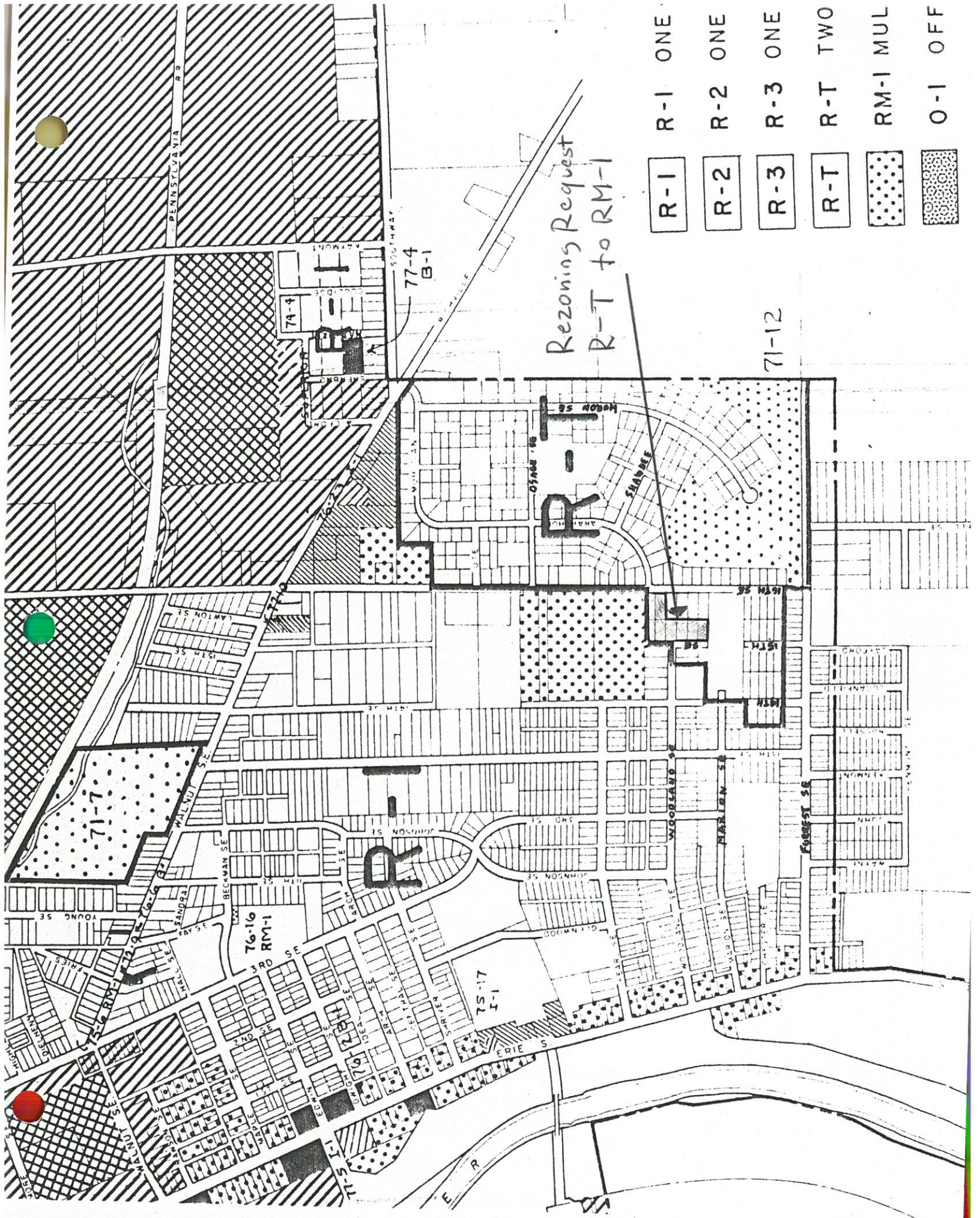
Rezoning Request R-T to RM-1

303

S.E.

ARAPAHOE





Rezoning Request
R-T to RM-1

- | | |
|----------|----------|
| R-1 | R-1 ONE |
| R-2 | R-2 ONE |
| R-3 | R-3 ONE |
| R-T | R-T TWO |
| RM-1 MUL | RM-1 MUL |
| O-1 OFF | O-1 OFF |