

AGENDA
MASSILLON PLANNING COMMISSION
OCTOBER 12, 1994 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. Approval of the Minutes for the Commission Meetings of September 14, 1994.
2. Petitions and Requests

Street Vacation Request

Location: Industrial Avenue, S.W., a 60 foot street running in an east-west direction between Bostic Boulevard, S.W., and 17th Street, S.W. The request is to vacate that portion of Industrial Avenue, S.W., from the west right-of-way line of Bostic Boulevard westerly a distance of 185 feet. This request has been submitted by Tom Martin, dba Martin Pallet, Inc.

Replat - Part of Lot No. 1328

Location: 820 Parkview, N.E., located on the southeast corner of Parkview, N.E., and Roslyn, N.E. The request is to replat Part of Lot No. 1328 into two separate lots: the smaller lot to contain the above house, the larger lot to continue as off-street parking for Alexandra's Salon, 1136 State, N.E. This request has been submitted by Sonia Stevenson.

Request for Waiver of Street Requirements

Location: A proposed street to be constructed on the south side of Colonial Parkway, N.E., between Deerfield, N.E., and Woodview, N.E. The request is waive the City requirement for concrete curbs and gutters and to request approval of a 24 foot wide roadway instead of the City required 30 foot roadway width. This request has been submitted by Dave Conant.

3. Old Business

Request for Approval of Residential Social Service Facility

Location: Kaylynn Street, S.E., Lots No. 11620 and 11621 (total area 17,128 square feet), zoned R-T Two Family Residential. Voca Corporation and Voca Residential Services, Inc., of Dublin, Ohio, is requesting approval of a conditional zoning use for the construction of a family home for developmentally disabled persons. The proposed facility will be a one-story, 3,414 square foot, 8-bed (5-bedroom) intermediate care community residence. Under Section 1155.03 of the City Zoning Code, such residential facilities are conditionally permitted uses, subject to review and approval by the Planning Commission pursuant to the provisions of Section 1187.12 of the Zoning Code.

This request was tabled at last month's Commission Meeting. Attached is a letter from the City Law Director regarding the Commission's duties and responsibilities in regards to this matter.

The Massillon Planning Commission met in regular session on September 14, 1994, at 7:45 P.M. The following were present:

Members

Chairman Fred Wilson
Rev. David Dodson
Mayor Francis H. Cicchinelli, Jr.
James Johnson
Wendell Edwards

Staff

Robert Wagoner
Aane Aaby
Marilyn Frazier
Councilman Dale Walterhouse

The first item on the agenda was the minutes of the August 10, Commission meeting. Rev. Dodson moved for approval, seconded by James Johnson, motion carried.

The next item under Petitions and Requests was a Request for Approval of Residential Social Service Facility.

Request for Approval of Residential Social Service Facility

Location: Kaylynn Street, S.E., Lots No. 11620 and 11621 (total area 17,128 square feet), zoned R-T Two Family Residential. Voca Residential Services, Inc., of Dublin, Ohio, is requesting approval of a conditional zoning use for the construction of a residential social service facility for developmentally disabled persons. The proposed facility will be a one-story, 3,414 square foot, 8-bed (5 bedroom) intermediate care community residence. Under section 1155.03 of the City Zoning Code, such residential facilities are conditionally permitted uses, subject to review and approval by the Planning Commission, and subject further to the provision of Section 1187.12 of the zoning code.

Prior to the presentation, Rev. Dodson questioned the Commission's role in this request. He added that the regulations approved on December 17, 1984, seem to indicate that if everything is in order the use was allowed. Mayor Cicchinelli replied that Council, at that time, felt residents should have input on decisions such as these. Planning Commission approval would allow for that input. Rev. Dodson commented further that he understood and appreciated that, but he still felt if this request met the requirements, it should not need Planning Commission approval.

Aane Aaby then explained that the role of the Planning Commission was to review each case to see if the conditions are met. The ordinance sets criteria for review, but review is to be done by the Commission.

Mayor Cicchinelli added that although most cities do not have this type of forum, he feels residents should have the opportunity for involvement.

Aane Aaby circulated the following information:

VOCA 8-BED ICF/MR COMMUNITY RESIDENCE

Location: Lots No. 11620 & 11621

Size: 120' x 142' 17,128 sf

Zoning: R-T Two Family Residential

ORC 5123.19 Residential Facilities defines Family Home Room & board, personal care, habilitation & supervision in a family setting for not more than 8 persons with developmentally disabilities.

ORC 5123.19 states that any person may operate a licensed Family Home in any residential district, including any single family residential district

City may establish reasonable standards for such facilities such as area, height, yard, and architectural compatibility

In 1984 Massillon adopted 1187.12 of the Zoning Code to provide for such standards for these facilities as follows:

<u>STANDARD</u>	<u>VOCA COMPLIANCE</u>		
- Architectural Compatibility	Yes		
No special off-street parking required	6 parking spaces		
No high traffic volumes	Yes		
No more than 8 residents	8 resident maximum 5 bedrooms		
No more than 35% of net floor area for sleeping areas	Bedroom 107	13'4" x 13'4"	177.69
	Bedroom 108	15'2.5" x 13'11"	211.65
	Bedroom 122	13'11" x 14'5"	200.63
	Bedroom 123	13'11" x 8.85"	121.19
	Bedroom 124	13'11" x 8.85"	<u>121.19</u>
	Total Bedroom Area		832.35
	Net Floor Area		3326
	% Sleeping Area		25.03%
No identification sign other than address	OK		
No closer than 2,500 feet to another Residential Facility	Tremont & 19th SE 906 16th SE	3600 feet 4500 feet	
Eligible Census Tract	7143.02		
1) Contains less than two facilities	19th & Tremont SE	OK	
2) Proportion of facilities/households less than City-wide proportion	7143.02 Facilities	1	
	7143.02 Households	1387	
	Proportion	0.000720981	
	City Facilities	10	
	City Households	12110	
	Proportion	0.000825764	
	Complies		

Mr. Aaby then proceeded further with his presentation. He had also discussed this request with the Law Director who had said the decision made by the Commission must be based on valid reasoning and cannot be an arbitrary decision.

Tom Hemmingway, Property Manager for VOCA Corporation, was present. He explained that the home will have a staff of fifteen (15) and house eight (8) residents. He commented further that VOCA is not a newcomer to Stark County, there are homes in Canal Fulton and Massillon. He explained how the home would be situated on the lot, and he also provided some information about the home itself. Ed Banks, Eastern Ohio Regional Director, was also present. He said that when VOCA officials went door to door in the Kaylynn area over the weekend, they received mixed responses.

Mayor Cicchinelli asked about parking spaces. Mr. Banks explained that normally there are three or four staff personnel on duty at any given time and visitors who would be coming there would give advance notice. He added further that parking has never been a problem because family visitations are not that frequent.

Several residents expressed concern about the request. Some of the residents and their concerns were:

Richard Wolfe, 365 - 25th Street, S.E., feels this is being jammed down the neighbor's throats, and is concerned about property values. He also feels the building does not look like a home.

Cullen Pfendler, 2507 Harsh Avenue, S.E., expressed concern about children in the neighborhood.

One resident was concerned about unbecoming behavior. Mr. Wilson commented that the residents are supervised at all times.

Mike Hoffman, 517 - 25th Street, S.E., expressed concern about the mystery behind the sale. He also was concerned about residents of the home "flying off the handle."

Jim Gellenbeck, who was present, and said when he signed the purchase agreement, he did not know the intended use. He later tried to rescind the agreement but was unable to do so. He told the crowd if he had known what was going to be built, he would not have sold them the property. He added further that he lives beside this property.

Jack Brown, 374 Kaylynn S.E., commented that he had lived in the area for thirty-six years. Three couples had recently purchased in the area and did not know something like this was going to happen. He did not understand how no one knew what was happening.

Jenny Brindel, who is a registered nurse and VOCA Habitation Director, said residents are confused about the difference between mental illness and retardation. Most of the eight residents at the Kaylynn Home would have cerebral palsy or autism, she said.

Gary Feiock, of North Canton, said neighbors can talk all they want about parking problems, traffic snarls, property values and safety. He claims it is merely a smokescreen for prejudice against retarded people.

Feiock is an advocate of a Molly Stark patient, and says he has grown very close to him.

Dale Walterhouse, Third Ward Councilman, was present and he thanked the Mayor for his consideration of the residents and also thanked the Commission Members for the volunteer work they do. He then suggested holding a public meeting with the residents and representatives from VOCA present to try to work out something that everyone could live with.

Other residents then spoke and echoed concerns previously mentioned.

Mayor Cicchinelli moved to table the request until after the public meeting. Rev. Dodson seconded, Mr. Edwards commented that he saw no point in tabling this request. It would have to be voted on sooner or later. He added that although most people claim to be civic minded, we should think seriously about what we claim to believe in.

Tom Hemmingway requested the opportunity to comment prior to the vote. He offered residents the opportunity to serve on an advisory board for the home so they could have input regarding the operation of the facility.

The Commission then voted on the motion to table the motion passed 4 - 1 with Wendell Edwards opposed.

The next item was a Final Plat.

Final Plat - St. Andrews Gold Estates No. 1

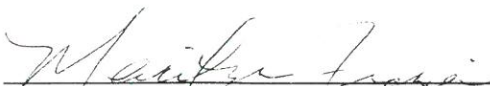
Location: Part of Out Lot 562 and Part of Out Lot 558, located on the north side of Nave Road, S.E., part of the Legends of Massillon Golf Course Development. The plat provides for the establishment of 58 single family residential lots, as well as the dedication of Cypress Drive, S.E., a proposed 50 foot wide right-of-way through the development. The developer is A. R. Lockhart Company of Akron.

Jim Johnson moved for approval, seconded by Wendell Edwards, motion carried to approve the final plat.

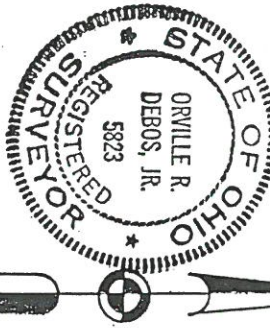
There being no further business, the meeting adjourned at 10:35 P. M.

Respectfully submitted,

APPROVAL:

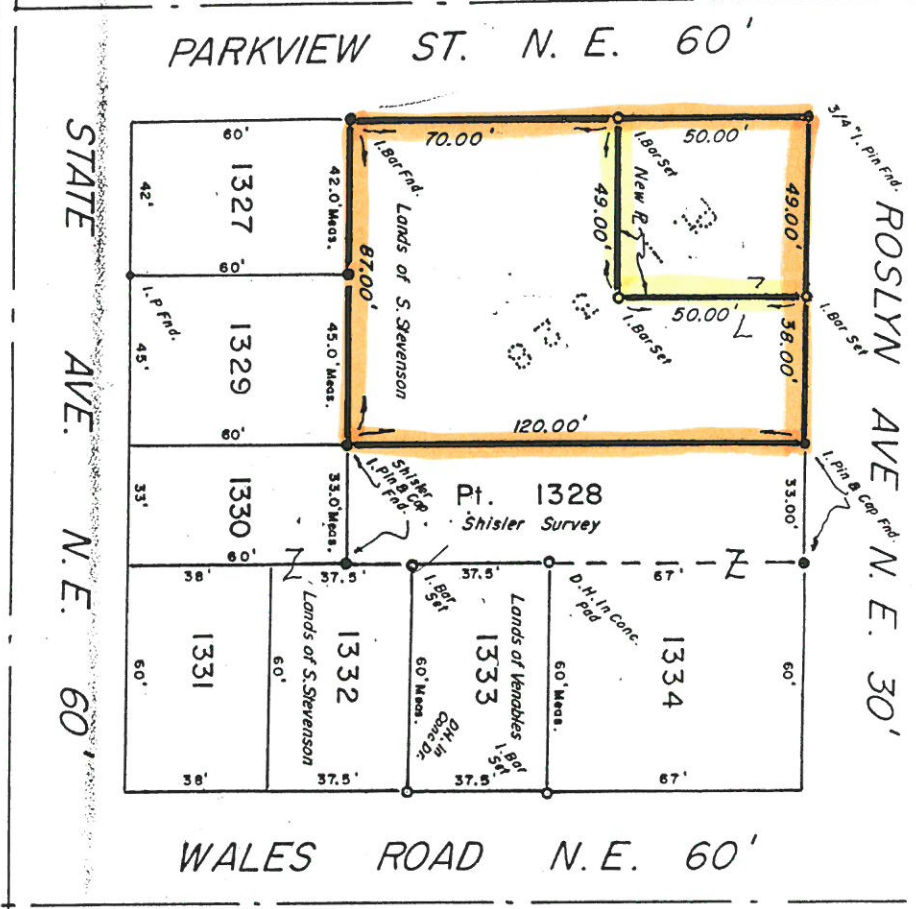

Marilyn E. Frazier - Clerk





BASIS OF SURVEY;

Shisler Survey of part of Lot Number 1328
Atlas Book Massillon City Engineer's Office
Massillon Tax Map 24
Prior Survey Lot Number 1333 for Venables.



STARK COUNTY RECORDER
Received for record this _____ day of _____, 19____
Recorded in Volume _____, Page _____, this _____ day of _____, 19____

STARK COUNTY AUDITOR
Enter for transfer this _____ day of _____, 19____

STARK COUNTY RECORDER
STARK COUNTY AUDITOR

CERTIFICATION
I hereby certify the adjacent plot to be correct, as surveyed by me this 10th day of September, 19 24.
Orville R. DeBos, Jr.
Reg. Surveyor #5823

PLANNING COMMISSION
Approved by the Massillon Planning Commission at a meeting held _____, 19____.

CHAIRMAN _____ SECRETARY _____
CITY COUNCIL

Accepted by the City Council of Massillon, Ohio, by ord. no. _____
passed this _____ day of _____, 19____.

COUNCIL ACCEPTANCE NOT NECESSARY NO STREET DEDICATION
HERE ON _____ Per Section 1107.3, (b), (3), Counted Ord. Massillon
CLERK _____ PRESIDENT _____
MASSILLON CITY ENGINEER _____
Lot Numbers _____ assigned by Massillon City Engineer.

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.

WITNESSES
Barbara H. Stevenson OWNERS
Barbara H. Stevenson

COUNTY OF STARK
STATE OF OHIO ss.

Before me a Notary Public, in and for said county, did personally appear, the above, who acknowledge the signing of the same to be our free act and deed according to law.

In witness whereof, I hereunto set my hand and seal this 13th day of September, 1924.
Barbara H. Stevenson
My Commission Expires Jan. 3, 1929

REPLAT of Part of Lot Number 1328 in the City of Massillon, County of Stark, State of Ohio.

SCALE: 1" = 40'
DATE: Sept. 10, 1924

FOR: STEVENSON

September 12, 1994

Robert Wagner
Engineer
City of Massillon

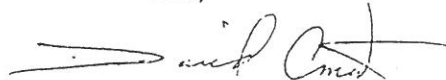
Dear Mr. Wagner,

As per our discussion regarding the proposed street to be constructed by myself, between Deerfield and Woodview and south off Colonial Parkway (see map), please accept my request for waiver of the below requirements:

1. Waiver of concrete curbs and gutters.
2. Waiver of required 30' width (a 24' road width is requested).
3. Usage of the two existing storm sewer drains only.

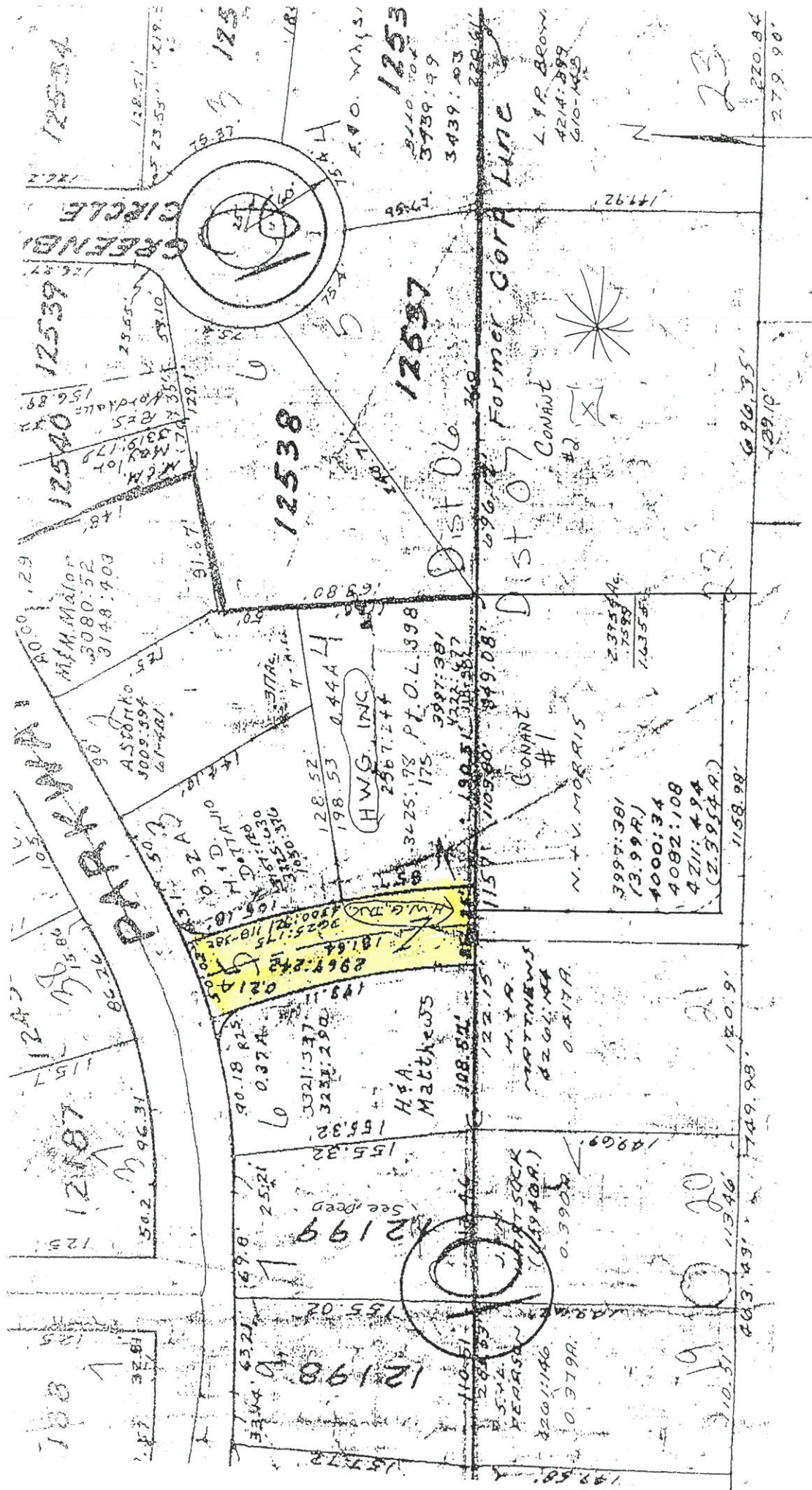
Mr. Wagner, as we had discussed, this road is merely to access to the two parcels I own and the currently developed parcel owned by HWG Inc. Consequently, traffic on this road is expected to be very light. I would very much appreciate your consideration of the above request.

Thank You,



Dave Conant
832-1008

2256 Fuller Oak Cir NE
Mass 44644



JOHN D. FERRERO, JR

DIRECTOR OF LAW
TWO JAMES DUNCAN PLAZA
Massillon, Ohio 44646
(216) 830-1718



Prosecutors:
JOHN H. SIMPSON, Chief
ANTHONY LaPENNA
ROBERT A. ZEDELL
TIMOTHY G. ANDREWS
STEPHEN A. GINELLA

September 26, 1994

2

Mr. Fred J. Wilson
904 Andrew N. E.
Massillon, Ohio 44646

RE: Massillon Planning Commission
Supplemental Zoning Regulations Page 160A Section 1187.12
Residential Social Service Facilities

Dear Mr. Wilson:

I am in receipt of your letter dated September 19, 1994. You are correct when you state that the owner of a facility meets certain requirements and that they can proceed with construction upon review and approval by the Planning Commission and subject to compliance with Section 1187.02 of Massillon Zoning Code.

I also direct your attention to Ohio Revised Code, Section 5123.19(K) which states:

"Any person may operate a licensed family home as a permitted use in any residential district or zone, including any single-family residential district or zone, of any political subdivision. Family homes may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone."

If you would have any further questions regarding this matter, please advise.

Very truly yours,

JOHN D. FERRERO, JR.
Director of Law

JDF/ec1

VQCA Corporation
5555 Parkcenter Circle
Suite 200
Dublin, Ohio 43017 3586

(614) 793-2005
(614) 703-8584

Voca

September 7, 1994

Mr. Aane Aaby Community Development Director
City of Massillon Planning Commission
1 James Duncan Plaza
Massillon , Ohio 44646

Re: Hearing Request for Approval of a Residential Social
Service Facility

Dear Mr. Aaby,

Voca Corporation and Voca Residential Services Inc.
hereby requests a hearing before the City of Massillon
Planning Commission , scheduled on September 14, 1994 ,
for the purpose of approval of the zoning conditional
use for a Residential Social Service Facility under
section 1187.12 of the City of Massillon Supplemental
Zoning Regulations.

This home shall be a newly constructed one story,
3,414 square foot home for developmentally disabled persons.
The home is proposed for construction on lot numbers 11620
and 11621 Gellenbeck Heights Subdivision located on Kaylinn
Avenue, Massillon.

If there are questions please contact me at this office.

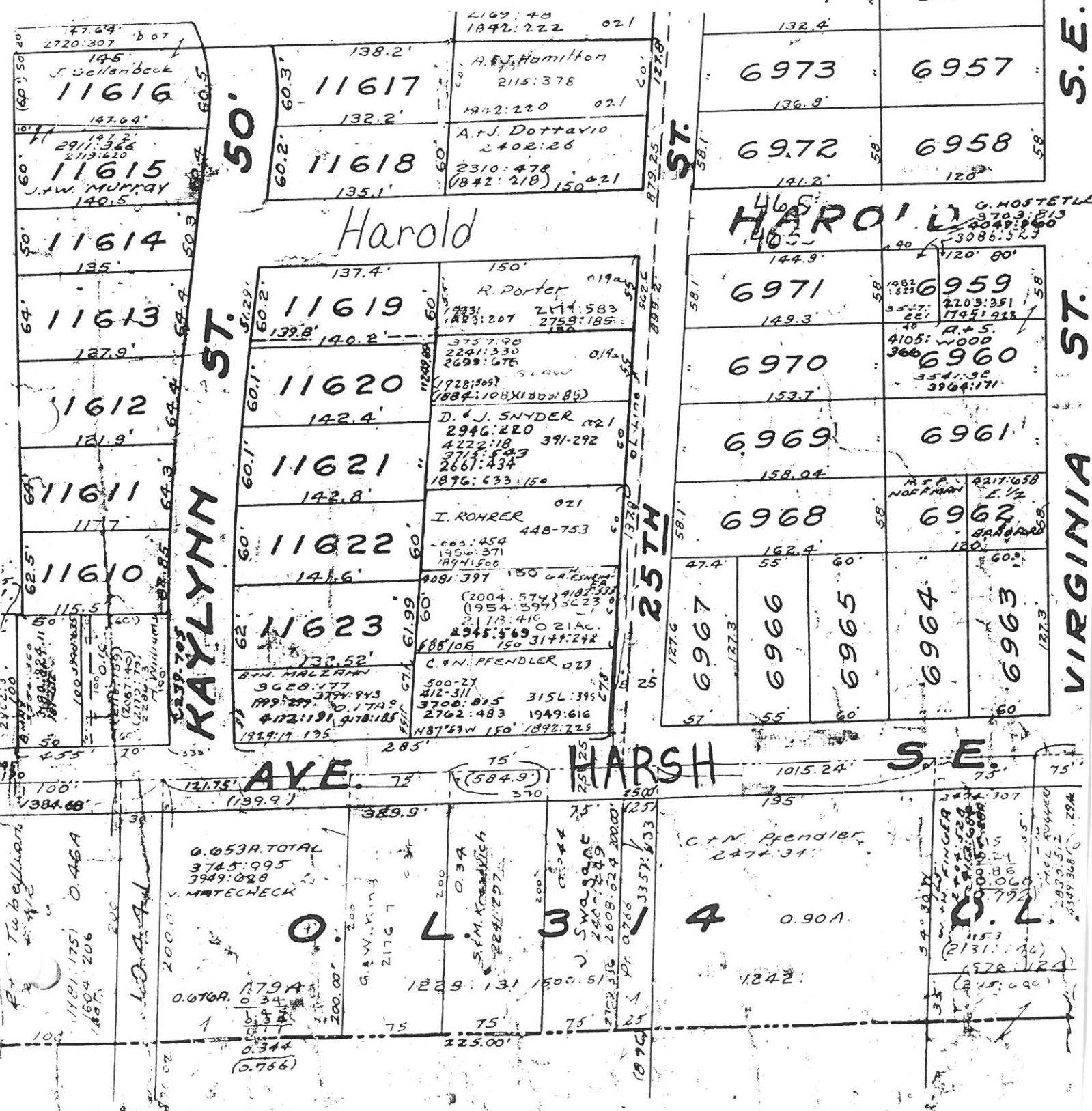
Respectfully submitted,


Thomas Hemingway
Property Manager

STRK PLCOM/TEH

4

PROPOSED RESIDENCE SOCIAL SERVICE FACILITY
VOCA CORPORATION



45.
S.E.
ST.
VIRGINIA

1187.12 RESIDENTIAL SOCIAL SERVICE FACILITIES.

In order to promote a greater choice of noninstitutional housing, to provide opportunities for potential facility residents, to avoid over-concentration of Residential Social Service Facilities, and to establish the suitability of the requested use at the proposed location, all Residential Social Service Facilities shall be subject to the following regulations:

- (a) Such a facility shall be architecturally compatible with other residential dwellings in the immediate neighborhood and shall maintain the same degree of compatibility in the future. An improvement required by Building Codes for access to or exit from the building shall not be deemed incompatible merely because surrounding buildings lack such facilities.
- (b) Such a facility shall require no special off-street parking facilities.
- (c) Such a facility shall generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the neighborhood in which it is located.
- (d) Such a facility shall be occupied by no more than sixteen residents, exclusive of staff, limited by the size of the existing or proposed building and its allocation of space for sleeping quarters.
- (e) Such a facility shall utilize for resident sleeping no more than thirty-five percent (35%) of the minimum net floor area for sleeping quarters.
- (f) No identification sign other than required house numbers shall be erected on such a facility.
- (g) Such a facility shall be located no closer to another Residential Social Service Facility; to any institution similar in nature but occupied by more than sixteen residents; or to a nursing home, rest home, or home for the aging; than 2,500 feet measured on a straight line radius from the building so used to the building proposed to be used.
- (h) Such a facility shall be located in an eligible census tract. A census tract shall be eligible for such location if it contains less than two Residential Social Service Facilities, or if the proportion of the number of Residential Social Service Facilities to the number of households in that census tract is less than the City-wide proportion of the total number of Residential Social Services Facilities to the total number of households. The number of households shall be as most recently reported by the U.S. Census Bureau.
- (i) Such a facility, prior to occupancy and continuously thereafter, shall:
 - (1) Be licensed or certified by a Federal, State or local agency which requires screening potential applicants.
 - (2) Be licensed as a rooming house in accordance with Section 1357.02 et seq.
 - (3) Comply with all applicable City Code requirements.
(Ord. 163-1984. Passed 12-17-84.)

VOCA 8-BED ICF/MR COMMUNITY RESIDENCE

Location: Lots No. 11620 & 11621
Zoning: R-T Two Family Residential

Size: 120' x142' 17,128 sf

ORC 5123.19 Residential Facilities defines Family Home as a residential facility providing room & board, personal care, habilitation & supervision in a family setting for not more than 8 persons with developmental disabilities.

ORC 5123.19 states that any person may operate a licensed Family Home in any residential district, including any single family residential district

ORC 5123.19 also states that City may establish reasonable standards for such facilities such as area, height, yard, and architectural compatibility provided that such requirements are "uniformly imposed" on all single family residences within the district or zone.

Section 1187.12 of the Massillon Zoning Code provides the following review standards for these residential facilities:

CITY STANDARD	VOCA COMPLIANCE/STAFF REVIEW		
Architectural Compatibility	Not applicable - Massillon has no architectural compatibility requirements for residential areas, except within designated historic districts.		
No special off-street parking required	6 parking spaces to be provided		
No high traffic volumes generated by facility.	Very little traffic to be generated.		
No more than 8 residents permitted in a Family Home.	8 resident maximum 5 bedrooms		
No more than 35% of net floor area to be used for sleeping areas	Bedroom 107	13'4" x 13'4"	177.69
	Bedroom 108	15'2.5" x 13'11"	211.65
	Bedroom 122	13'11" x 14'5"	200.63
	Bedroom 123	13'11" x 8.85"	121.19
	Bedroom 124	13'11" x 8.85	121.19
	Total Bedroom Area		832.35
	Net Floor Area		3326
	% Sleeping Area		25.03%
No identification sign other than address	No sign indicated on site plan		
No closer than 2,500 feet to another Residential Facility	Tremont & 19th SE facility - 3600 feet away 906 16th SE facility - 4500 feet away		
Eligible Census Tract	CT 7143.02		
1) Contains less than two facilities	19th & Tremont SE	OK	
2) Proportion of facilities/households less than City-wide proportion	7143.02 Facilities	1	
	7143.02 Households	1387	
	Proportion	0.000720981	
	City Facilities	10	
	City Households	12110	
	Proportion	0.000825764	
	Complies		