## AGENDA

MASSILLON PLANNING COMMISSION SEPTEMBER 8, 1999 7:30 P.M. MASSILLON CITY COUNCIL CHAMBERS

- 1. Approval of the Minutes for the Commission Meeting of August 11, 1999.
- 2. Petitions and Requests

### Rezoning Request - 721 Lincoln Way East

Location: 721 Lincoln Way East, Lots No. 1460 and 13757. The request is to rezone this property from B-1 Neighborhood Business to B-2 Central Business. The request has been submitted by Cleme As Samad, the property owner, who wishes to utilize the property as a facility for in-house education and behavioral management for girls.

#### Rezoning Request - 24th Street, S.E.

Location: Lots No. 15584, located on the east side of 24th Street, S.E., south of Lincoln Way East. The request is to rezone this property from R-1 Single Family Residential to R-T Two Family Residential. The request has been submitted by David Graber, who wishes to purchase the property and construct a duplex on it.

## Rezoning Request - Community Park Annexation

Location: A 14.825 acre parcel of land located on the north side of Finefrock Road, S.W. (S.R. 241), between 17th Street, S.W., and Greendale Avenue, S.W. This property is owned by the City of Massillon and will be part of the Community Park now under construction. This property has recently been annexed to the City from Tuscarawas Township and the City is requesting to zone this property R-3 Single Family Residential.

#### Replat

Location: Lot No. 3403 and Part of Lot No. 3404, located on the east side of 14th Street, S.E., south of Walnut Road, S.E. The request is to replat this property into two new lots. The property owner is Marva Robinson. The surveyor is Curtis Deibel.

#### Replat

Location: Lot No. 3769 and Part of Lot No. 3770, located on the east side of 24th Street, N.W., north of Stanton Ave., N.W. The request is to replat this property into two new lots. The property owner is Kurt Tabellion. The surveyor is Campbell & Associates, Inc.

#### Request for Oil and Gas Well Drilling Permit

Location: Schalmo Unit No. 1-K, located on a 22.643 acre parcel located on the west side of Candell Street, S.E., south of Forest Avenue, S.E.. This request has been submitted by Petro Evaluation Services, Inc.

#### 3. Other Business

The Massillon Planning Commission met in regular session August 11, 1999, at 7:30 P.M., in Massillon City Council Chambers. The following were present:

#### <u>MEMBERS</u> <u>STAFF</u>

Chairman Fred Wilson Vice Chairman Rev. David Dodson Sheila Lloyd Paul Manson Ron Pribich Aane Aaby Marilyn Frazier James Benekos

The first item of business was the minutes of the July 14, 1999, meeting. Mr. Manson commented that he was present at the last meeting. Ms. Frazier apologized for the error. Rev. Dodson moved for approval with the addition of Paul Manson's name. Mr. Manson seconded, motion carried.

The next item was a replat, The Condominiums of St. Andrews.

#### Replat - The Condominiums of St. Andrews

Location: Part of 738, a 5.482 acre parcel located on the east side of Veterans Boulevard, S.E., north of Nave Road, S.E. The request is to replat this parcel into six new Out Lots. The property owner/developer is W. G. Lockhart Construction. The surveyor is Brett Bedore.

This request was presented by Mr. Aaby. This request is in the area of Pebble Beach Drive. The area is proposed to be developed into condominiums. The property is being purchased and developed in stages. Mr. Bedore was present and said he'd like to begin as soon as possible. He has developed a similar project in Stowe, Ohio. There were several questions and comments by the Commission members. Rev. Dodson moved for approval, seconded by Mr. Manson, motion carried.

The next item was also a replat.

#### Replat

Location: Lots No. 3807, 3808, 3809, and part of 3810, located at the south west corner of Stanton Avenue, N.W. and 24<sup>th</sup> Street, N.W. The request is to rezone these four parcels into one new lot. The property owner is Robert C. Kring. The surveyor is Orville DeBos.

Mr. Aaby presented this request. The purpose of the request is to permit Mr. Kring to build a home. Mr. Kring was present. Mr. Manson moved for approval, seconded by Rev. Dodson, motion carried.

The next item was a request for an oil and gas well drilling permit.

#### Request for Oil and Gas Well Drilling Permit

Location: Morelli Unit 2-D, located on Out Lot 555 on the north side of Hankins Road, between Wales Road and Valerie Avenue. This request has been submitted by MB Operating Company, Inc.

Mr. Aaby presented this request also. MB Operating presently has one oil and gas well at this site. They have applied to place a second one. This second well will have an underground directional and no pump jack, therefore there won't be any additional impact. After several questions by the members, Rev. Dodson moved for approval, seconded by Mr. Manson, motion carried.

After a discussion concerning addendums, Rev. Dodson moved to add items to the agenda as requested by the staff and administration. Mr. Manson seconded the motion which was carried.

The first item under addendums was for Westbrook Estates, which was a revised preliminary plat.

#### Revised Preliminary Plat

Location: Out Lots 636 and 782, a 93.8992 acre parcel located on the north side of Lincoln Way N.W., between Kenyon Avenue and Manchester Road. This revised preliminary plat proposes the creation of 250 lots zoned R-2 Single Family Residential. The property owner/developer is A. R. Lockhart Development Company.

Mr. Aaby presented the request, which had been approved previously. It has been revised to include additional drainage and retention. The number of lots are being reduced from 263 to 250. Rev. Dodson moved for approval, seconded by Mr. Pribich, motion carried.

The next item was the final plat for Westbrook Estates, Phase I.

#### Final Plat: Phase I

Location: Part of Out Lot 636, a 23.187 parcel located on the north side of Lincoln Way N.W., between Kenyon Avenue and Manchester Road. This plat will create a total of 40 lots zoned R-2 Single Family Residential. The property owner/developer is A. R.Lockhart Development Company.

Mr. Aaby presented the request. Mr. Benekos commented on the fact that the cul-de-sac length is 667 feet and the maximum length under the code is 650 feet. A variance would be required by the Commission. Also, a drainage easement will be required for this phase which will be eliminated in a subsequent phase. Mr. Benekos recommended approval of the subdivision with a variance for the drainage easement and the longer cul-de-sac. There was a discussion about sidewalks but Mr. Benekos stated the developer had not requested a waiver. Mr. Pribich then moved for approval, seconded by Rev. Dodson, motion carried.

The final item for the evening was a storm sewer drain easement.

#### Storm Sewer Drainage Easement

Location: Lot No. 13993 located on the north side of Oak Manor Avenue, N.E. The request is to grant to the City a perpetual easement for storm sewer purposes over this property.

Rev. Dodson moved for approval, seconded by Mr. Manson, motion carried.

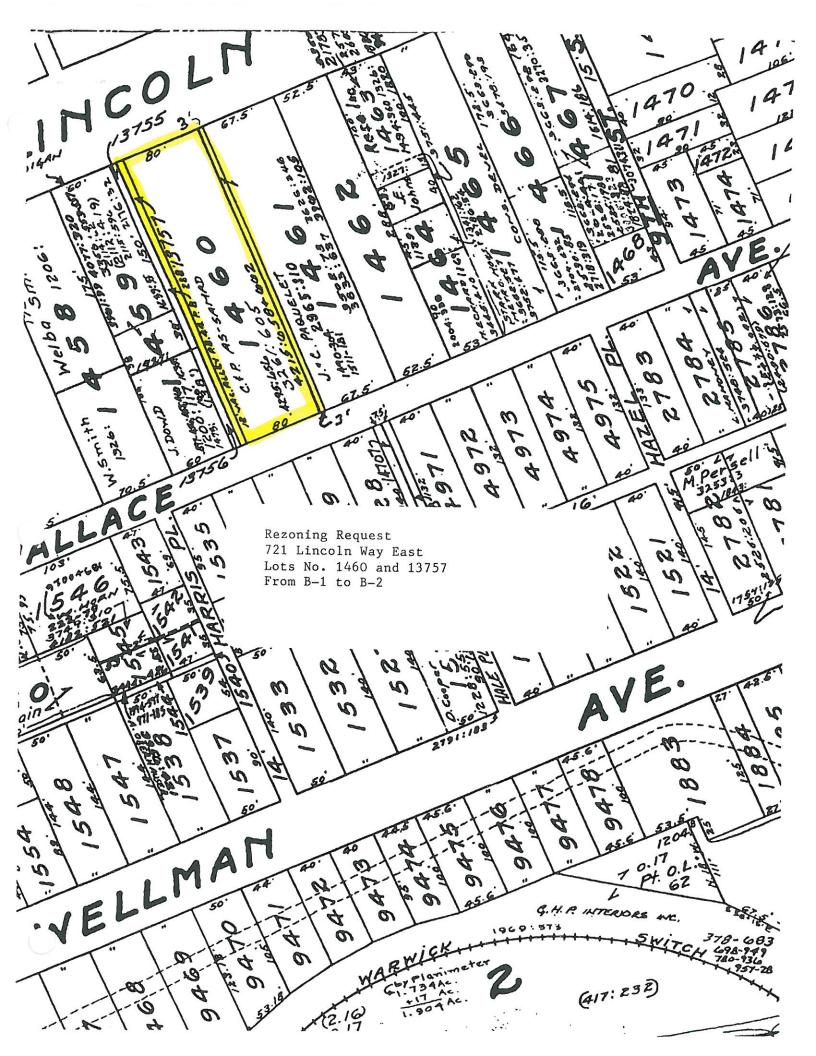
There being no further business before the Commission, the meeting adjourned at 8:40 P.M.

Respectfully submitted,

Marilyn E. Frazier
Commission Clerk

Approval:

MEF/ky



To: John Ferrero

From: Amy Andrews

Re: Juvenile Facility at Neuman House

Date: May 12, 1997

#### Question Presented

Whether the Multi-County Juvenile Attention System should be permitted to put a juvenile residential care facility into the Neuman House site, which is zoned B-1 Local Business District.

#### Brief Answer

No. Such a facility is not permitted in the B-1 District; the Multi-County Juvenile Attention System should file a rezoning application for a less-restrictive zoning classification.

#### Statement of Facts

The Multi-County Juvenile Attention System contacted this office concerning their interest in acquiring the site known as the Neuman House at 721 Lincoln Way East. Donald Theres, the superintendent, would like to move a girls' unit into the building.

According to Mr. Theres, the Juvenile Attention System focuses on dependent, neglected, abused, and unruly children between the ages of 9 and 17. The facility envisioned for the Neuman House would house an average of twelve girls full-time, with a maximum of sixteen. Two staff members are employed around the clock. The purpose of the facility would be in-house education, specifically behavioral management.

The Community Development Director advised that the zoning of this site changed from O-1 Office to B-1 Local Business. The most recent use of the ite was an antique dealership, although the facility was used in the past as a nursing home. The Community Development Director advised that the CCRC can file a rezoning application through his office.

#### Discussion

The facility proposed by the CCRC falls within the definition of a "residential social service facility" as described by Massillon City Ordinance 1121.02(85):

"Residential Social Service Facility" means a facility or home whose primary purpose is to provide supervised room, board, and care in a residential setting to three or more residents thereof whose disabilities or status limit their ability to live independently, and secondarily for training, rehabilitation, and non-clinical services These residents may be...juvenile offenders... Such a facility excludes use as a clinic, nursery school, dormitory, or other similar use. However, for the purposes of licensing, the term is included within "Rooming House" as defined in Section 1357.01.

Such a facility is not provided for under B-1 districts. It is provided for under RM-1 and RM-2 Family Residential Districts, and more importantly under B-2 Central Business District.

The B-2 Central Business District places certain restrictions on such a facility. Those specifications are as follows:

- (1) Mixed-use structure, combining multiple-family with commercial or office uses in the same structure, shall be permitted provided that the particular commercial or office use is not determined to be detrimental to the health, safety, or welfare of the residents of the structure.
- (2) The maximum height of structures and the minimum floor area per dwelling unit shall be the same as that required for RM-1 and RM-2 Multiple-Family Residential Districts as specified in Section 1177.01.
- (3) Other requirements such as building setbacks, density, open space and recreational areas shall be subject to the provisions of Section 1177.01 for RM-1 and RM-2 Multiple-Family Residential Districts. The Planning Commission may modify or vary these requirements where cause can be shown that no good [purpose would be served by their enforcement.
- (4) Off-street parking shall be provided in accordance with the provision of Section 1183.01.
- (5) A sketch plan shall be submitted for the review and approval of the Planning Commission in accordance with the provisions of Section 1157.03.

Massillon City Planning and Zoning Code 1165.04(g).

It will not be possible to accommodate the youth facility under the current zoning. The CCRC should file an application for rezoning to a less-strictive classification; B-2 would probably suit their needs.

The next question that arises is whether an application for rezoning should be granted. It would probably be difficult to justify denying the youth home, from a zoning perspective, after a nursing home was already successfully housed in the facility.

The other concern that must be taken into account, however, is whether neighbors might protest the introduction of this facility. This area is currently a business area and is located on the busiest thoroughfare in Massillon. It is not likely that a facility of this nature would cause additional traffic problems because of the limited number of on-site staff. Twenty-four hour supervision of the residents is provided for, and the Ohio Department of Human Services will inspect the facility on a regular basis. A home with a similar purpose, albeit for boys, is located a short distance away and has been in successful operation for quite some time.

#### Conclusion

As long as the facility conforms to the requirements set forth above, which are not particularly onerous, the CCRC would probably put the Neuman House to good use. Unfortunately, the facility cannot be accommodated under the current zoning. The CCRC must file an application for rezoning.

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Community Park Annexation Zoning Request: R-3 Single Family Residential

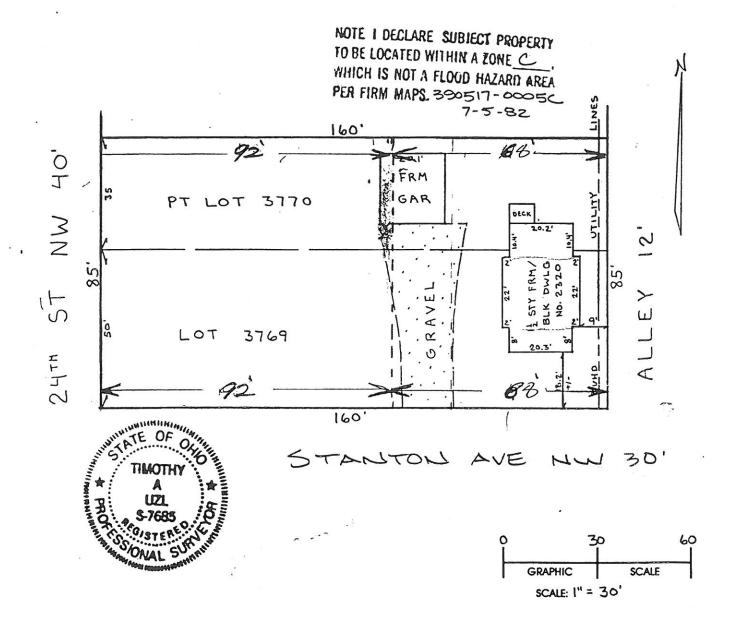
Proces





#### MORTGAGE LOCATION SURVEY

(330) 455-3707 130 DeWalt Ave., N.W. Suite # 210 Canton, OH 44702



Address

2320 Stanton Avenue NW

TM 50

State of Ohio, County of Stark

City of Massillon

New Owner

Kurt S Tabellion

Client Order No. 98 545 11 2

Data

December 14, 1998

C & A Order No. CA102918

Present Owner Evelyn A Bucklew, now deceased

This is to certify to FirstMerit Mortgage Corporation and/or West Stark Title

that a visual inspection of the property and buildings shown (if any) has been made and there are no apparent encroachments or visible easements unless otherwise shown. This service was not performed for the purpose of establishing boundary lines, and is not to be used for that purpose.

This Mortgage Location Survey has been prepared in accordance with Chapter 4733-38, Ohio Administrative code, and is not a boundary survey pursuant to Chapter 4733-37, Ohio Administrative Code

Timothy A. Uzl - Reg. Surveyor No. 7685

Office (330) 264-4454 FAX (330) 345-6617



#### 3927 CLEVELAND ROAD, WOOSTER, OHIO 44691-1298

City of Massillon Community and Economic Development Director One James Duncan Plaza Massillon, OH 44646

August 12, 1999

RE: Drilling Permit

Dear Mr. Aane Aaby,

Please find enclosed a State of Ohio approved drilling permit for the Schalmo unit 1-K gas well with supporting application documentation.

Petro Evaluation Services, Inc. respectfully requests a City of Massillon permit to complete this project.

Petro is very aware of the sensitive nature of working within city boundaries and associated environmental settings. We have completed many similar projects such as: drilling and completing a well for Dairy Mart at their City of Cuyahoga Falls downtown location in their parking lot across from the Hospital on Broad Street. We have worked closely with the Mayor of the City of Cuyahoga Falls resulting in five wells drilled, three of which are located on their golf course, one by the city swimming pool, and the last by a grade school.

This program was and to this day is a very successful venture for them. (See enclosed letter) There have been many other environmentally sensitive areas developed by us around the state, a few more examples are shown in the enclosed photographs.

All landowners (As shown on plat) in the proposed 40-acre development area have been notified of the pending project. They, of course, will benefit from a completed gas well.

We will be working closely with the property owner Mr. Ken Schalmo, who is developing this area. Petro will provide screening, fencing, and landscaping for this projected gas well. We will also be assisting them with present well location adjustments.

We have been very successful in the past drilling wells in sensitive areas, both financially and with regards to our concern for the environment. Petro Evaluation Services, Inc. looks forward to continuing this trend and working with the City of Massillon.

Sincerely,

Jay G. Henthorne, Jr., C.P.G.

President

Petro Evaluation Services, Inc.

**Enclosures** 





STATE OF OHIO

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF OIL AND GAS

## OIL AND GAS WELL DRILLING PERMIT

API WELL NUMBER

34-151-2-5148-00-00

FORM 51 REVISED 2/85 DATE ISSUED **PERMIT EXPIRES** OWNER NAME, ADDRESS 8/6/99 8/5/00 PETRO EVALUATION SERV INC (Owner #: 164) 3927 CLEVELAND RD TELEPHONE NUMBER OH 44691 WOOSTER (330) 264-4454 **Drill New Well** AND ABANDON NEW WELL IS HEREBY GRANTED PERMISSION TO: IF UNPRODUCTIVE PURPOSE OF WELL: Oil & Gas SUBSTANCE TO BE STORED OR COMPLETION DATE IF PERMIT TO PLUG: Cmpltd Dt: DESIGNATION AND LOCATION: SECTION 21 LOT LEASE NAME SCHALMO UNIT WELL NUMBER 1-K **FRACTION** COUNTY STARK QUARTER TOWNSHIP PERRY CIVIL TOWNSHIP TRACT OR ALLOTMENT X: 2275400 1240' NL & 100' WL OF SEC 21 FOOTAGE LOCATION Y: 404700 GEOLOGICAL FORMATION(S): Air Rotary/Fluid Rotary TYPE OF TOOLS: ROSE RUN (MAY NOT PLUG BACK TO CLINTON) 6800 FEET PROPOSED TOTAL DEPTH **GROUND LEVEL ELEVATION** 1030 FEET SPECIAL PERMIT CONDITIONS:

CONDITIONALLY APPROVED CASING PROGRAM (SUBJECT TO APPROVAL OF THE OIL AND GAS WELL INSPECTOR):

CONDUCTOR MINIMUM OF 60' (IF AIR)

8 5/8" 50' BELOW BIG INJUN, APPROX. 460' WITH CEMENT CIRCULATED TO SURFACE

OF

8 5/8 " APPROX. 850 ' THRU BEREA WITH CEMENT CIRCULATED TO SURFACE

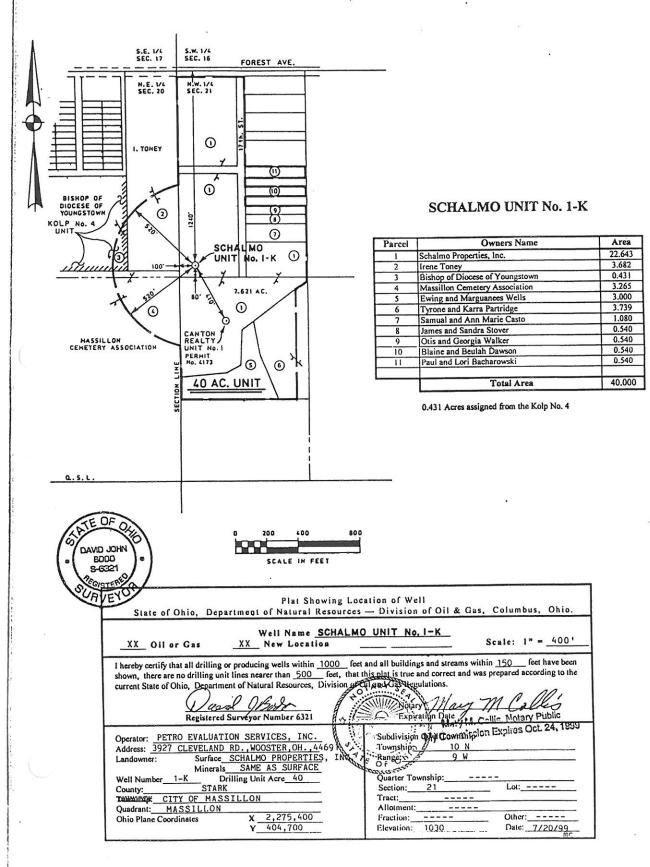
4-1/2" PRODUCTION CASING CEMENTED IF PRODUCTIVE

This permit is NOT TRANSFERABLE and expires 365 days after issuance, unless drilling has commenced prior thereto. This permit, or an exact copy thereof, must be displayed in a conspicuous and easily accessible place at the well site before permitted activity commences and remain until the well is completed. Ample notification to inspector is necessary. All mudding, cementing, placing and removing casing, and plugging operations must be done under the supervision of:

OIL AND GAS WELL INSPECTOR:	FIRE AND EMERGENCY NUMBERS:	
FARNSWORTH BRETT  8115 MAGNET ROAD,  MINERVA, OH 44657 Inspector's #: (330) 895-3655 District #: (330) 896-0616  JAY CHESLOCK - Supervisor (330) 343-2374	FIRE: ( ) -911  MEDICAL SERVICE ( ) -911	
DEPUTY MINE INSPECTOR: MUST BE NOTIFIED IF WELL IN A COALBEARING TOWNSHIP IS TO BE PLUGGED AND ABANDONED.		w::

Thomas G. Tugend

CHIEF, DIVISION OF OIL AND GAS



Office (330) 264-4454 FAX (330) 345-6617



#### 3927 CLEVELAND ROAD, WOOSTER, OHIO 44691-1298

#### **COMPANY OVERVIEW**

Petro Evaluation Services, Inc. is a family owned and operated company that has been based in Wooster, Ohio, since it's inception in 1976, and has had successful experience in developing and drilling oil and gas properties in the Appalachian Basin area.

Petro has successfully drilled for themselves and a wide range of clients, including municipalities, corporations, schools and universities. Municipalities include the City of Cuyahoga Falls (please see attached letter), corporations include the Diamond Shamrock Corporation and Morton Salt, while schools include Orville High School, Gilmore Academy, The University School, Lake Erie College, and John Carroll University. Petro has drilled over 300 wells, many of which have been in extremely sensitive areas such as golf courses, college campuses, soccer fields, driving ranges, wetlands, 100' from St. Claire River in Detroit, and numerous parks.

Petro is owned by Jay G. Henthorne, Jr.. He is a certified member with the American Association of Petroleum Geologists of Tulsa, Ok. He is also certified with the American Institute of Professional Geologists of Denver, CO, and is registered in four states, AR, TN, KY, and FL. Ohio has no registration.

The small size and family atmosphere of Petro Evaluation Services, Inc. allows us to take a personal approach to each and every project we undertake. This fact allows us to be on a first name basis with our Lessor (Landowners) and clients, and to address any problem that might occur and solve them in a fashion that makes larger companies envious.



# PARKS&RECREATION

July 29, 1999

Mayor Francis H. Cicchinelli, Jr. and Members of City Council One James Duncan Plaza Massillon, Ohio 44646

Dear Mayor Cicchinelli and Members of City Council:

The City of Cuyahoga Falls and the Parks and Recreation Department have been involved with Petro Evaluation of Wooster, Ohio, since the late 1970's. It was at that time the Mayor of Cuyahoga Falls and the Superintendent of Parks and Recreation entered into a contract with Petro Evaluation to drill several oil and gas wells on the City's golf course and in an adjacent park. The exploratory drilling resulted in five successful wells, four of which are still producing today.

Petro Evaluation has provided continuous maintenance service on all the wells throughout the years and the service has proven to be extremely valuable. They have provided quality maintenance service causing the wells to produce at their capacities and at the same time have caused no adverse impact on the surrounding facilities and environment. This is extremely important because three wells were drilled on the golf course and two in a community park.

The operation of gas and oil wells is quite a science and like any other technical task it pays to have an experienced, conscientious, qualified company who will accept the responsibility. Petro Evaluation has been that company for Cuyahoga Falls for twenty years and we are very pleased with their work.

Sincerely,

Richard W. Pierson Superintendent

/cc