



1. *Approval of the Minutes for the Commission Meeting of November 20, 2002.*

2. *Petitions and Requests*

Rezoning Request – Hankins Road & Valerie Ave., N.E.

Location and Description: Part of Out Lot 933, a 20 acre vacant parcel located on the northwest corner of Hankins Road NE and Valerie Avenue NE.

Zone Change Request: From R-3 Single Family Residential to RM-1 Multiple Family Residential.

Proposed Use: To construct a condominium community of 80-88 units plus a community clubhouse with swimming pool.

Applicant: Concept Communities, Inc.

Final Plat – NeoCom I Industrial Park – No. 2

Location and Description: Part of Out Lot 569, an 8.442 acre parcel, located on the northwest corner of Navarre Road SE and Millennium Blvd. SE. The request is to replat this property into 2 new parcels. The zoning is I-2 General Industrial.

Applicant: Miller Land Development Ltd. *Surveyor:* Hammontree & Associates

Replat– 1508 3rd Street, S.E.

Location and Description: Lot Nos. 5352 and 5353, located on the southeast corner of 3rd Street SE and Pearl Ave. SE. The request is to replat these parcels into one lot. The property is zoned R-1 One Family Residential.

Owner: Henry Joiner. *Engineer/Surveyor:* Orville DeBos.

3. *Old Business*

Replat– 1242 Rodman Avenue, N.E. (Tabled from Nov. 20 Meeting)

Location and Description: Lot No. 1384 and Part of Lot No. 1385, located on the north side of Rodman Avenue NE, east of Lewis Place NE. The request is to replat these parcels into one lot so that the garage is on the same lot as the house. The property is zoned R-1 One Family Residential.

Owner: Rocky Brown and Connie Thomas.

Engineer/Surveyor: Nichols Field Services, Inc..

4. *New Business*

Proposed Zoning Code Amendment – Bed & Breakfast Regulations

The amendment would create two separate types of bed and breakfast establishments:

1. Bed & Breakfast Home – containing no more than 4 guest-rooms, with food service limited to overnight guests, meals limited to a continental type breakfast, and receptions, banquets, and other social activities prohibited; and
2. Bed & Breakfast Inn – containing no more than 10 guest-rooms, with receptions and private parties permitted, and with food service to the general public permitted subject to applicable health and safety regulations.

The zoning amendment would allow bed and breakfast establishments within various City zoning districts, as conditional uses subject to review and approval by the Planning Commission.

The Massillon Planning Commission met in regular session on November 20, 2002, at 7:40 P.M. The meeting was delayed due to a lack of a quorum. The following were present:

Members

Rev. David Dodson, Chairman
Paul Manson, Vice Chairman
Vincent Pedro
Alan Climer
Sheila Lloyd

Staff

Aane Aaby
Marilyn Frazier
Jason Haines
Steve Hamit
James Witherspoon

The first item of business was approval for the minutes of the Commission meeting of October 9, 2002. Mr. Climer moved for approval, seconded by Ms. Lloyd, motion carried unanimously.

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

Rezoning Request – Lake Avenue NE

Location and Description: Lot No. 15510, a vacant lot located on the north side of Lake Avenue NE between Keuper Blvd., NE and Amherst Road NE

Zone Change Request: R-1 One Family Residential to RM-1 Multiple Family Residential

Proposed use: The owner proposes to utilize this property to provide ingress and egress to Amherst Ridge, a proposed 24 unit multi-family development to be located on Gail Avenue NE.

Applicant: Contrel Corp.

Mr. Aaby explained that the replat for this development, which includes twenty-four 2 bedroom apartments, was previously approved by the Planning Commission. The location is on the north side of Lake near Amherst Road and Amherst Shopping Center. Mr. Hamit added that while reviewing the proposal, he felt a development this size should have a second ingress and egress. This property to be re-platted would only be used as a driveway. There are a lot of businesses in this area and this would serve as a buffer. Andrew Leach, of Contrel Corp., was present and commented that originally they intended to use this lot for the development of a single family house. A driveway in this area would take traffic from Keuper and Gail to Lake, so this is a better use for the property.

Also present and speaking were:

Sue Ahlstrom, 316 Gail Avenue NE, was concerned about parking and sewer capacity.

Denny Falk of ME Companies was present and replied that the development is in compliance with the City's requirement for parking spaces.

Karen Nicewander, 1510 Keuper Blvd. NE, asked about the type of apartments. The response was two bedrooms, two baths in the \$595 - \$625 per month range.

Rita Eckstein, 1322 Third NE, was concerned about the additional traffic on Lake Avenue. Mr. Manson moved for approval, seconded by Mr. Pedro, motion carried unanimously.

The next item was also a rezoning request.

Rezoning Request – 107 Fourth Street NE

Location and Description: Lot No. 374, located on the northwest corner of Fourth Street NE and Federal Avenue NE. *Zone Change Request:* RM-1 Multiple Family Residential to B-1 Local Business. *Proposed Use:* Presently being operated as a bed and breakfast, the owner also wishes to utilize this property as a reception/meeting hall catering to civic groups and individuals for luncheons, dinners, banquets, meetings, and parties. *Applicant:* William Weaver

This property has been remodeled and the owner is operating it as the first Bed and Breakfast in the City of Massillon. Under the zoning ordinance, this is an allowable use. However, the owner also wishes to use the facility as a reception/meeting hall, catering to groups, which is the reason for the rezoning request. There are several legal non-conforming uses in the immediate area, but none such as this. Should businesses be allowed in a residential area? Would this proposed use be harmonious and acceptable for the area? Also, parking would be an issue. Mr. Weaver was present and spoke of his intentions to hold small showers and banquets. He said he has permission to use parking areas such as the Red Carpet Inn and Goodyear Tire. He spoke about CHARM and on Fourth Street. He said the house is protected from being used adversely due to its historical status on the Federal Register. Several residents spoke regarding the request:

Thomas Knouff, 424 Third Street NE, President of CHARM, expressed support for the proposed rezoning. Theresa Matie, Matie Real Estate, also expressed support. Terry York, 121 Third Street NE, was concerned about parking. Winona Weaver, 1318 Forest Avenue SE, expressed support. Joe Paquelet, commented how nice the property looks and said his parking lot could be used when it is available. Rita Hollar expressed concern about health issues, parking, and property values. Mike Saracina commented that he'd like to see a compromise reached. He is concerned about business in residential neighborhood. John David, 213 North Avenue NE, was present and asked Commission Members and city officials if they felt comfortable with the protection of the National Register of historical properties? He further asked that if something happened to the Bed and Breakfast, what happens to the building. Mr. Aaby asked Mr. Weaver if he had submitted anything about the zone change to the historical society? He added it is his understanding that Fourth Street is on the register, but the only property on the register is the Women's Club.

Mr. Climer expressed concern about spot zoning, and opening "Pandora's Box". He added that he would have to vote "no" for those reasons. Mr. Aaby stated that in his research so far, he hasn't been able to find a Bed and Breakfast with added functions such as Mr. Weaver wants to operate. Mr. Manson moved to table until further research could be done. The motion died for the lack of a second. Mr. Pedro moved for denial, which also died for the lack of a second. Rev. Dodson called for a vote, but there was none. The item was then automatically tabled due to the circumstances of no completed vote.

The next item presented by Mr. Haines was a final plat.

Final Plat – Westbrook Estates – West No. 1

Location and Description: Part of Out Lot 772, a total 6.6671 acre parcel located on the east side of Manchester Road NW, north of Lincoln Way NW.

Proposed No. of Lots: 16 lots, zoned R-2 One Family Residential

Streets to be Dedicated: Woodstone Avenue NW and a portion of Manchester Road NW.

Owner/Developer: Jacob Glick *Engineer/Surveyor:* Cooper & Associates.

Mr. Glick was present and briefly commented on the development. Mr. Manson moved for approval, seconded by Mr. Climer, motion carried unanimously.

The next item on the agenda was a lot split presented by Mr. Haines.

Lot Split – 1117 State Avenue NE

Location and Description: Lot No 1310, located on the southwest corner of State Avenue NE and Parkview Street NE. The request is to split this property into two equal parcels. The property is zoned R-1 One Family Residential. *Owner:* Brad Sponseller

Even though this lot split will create substandard lots, it will be larger than many of the lots in the existing neighborhood. Mr. Sponseller was present and commented that he recently purchased the property. He intends to make some repairs to the existing older home, which will be used as a rental. He would like to build another home which is the reason for the lot split. Mr. Manson moved for approval contingent on a change in the lot line to add footage from one lot to the other. This would prevent the need for a zoning variance. Mr. Pedro seconded the motion, which was carried unanimously.

The next item on the agenda was also a lot split presented by Mr. Haines.

Lot Split – 510 and 514 Fourth Street SW

Location and Description: Lot No. 1785, located on the east side of Fourth Street SW south of Pike Avenue SW. The request is to split this property into two equal parcels so that each house will be on a separate lot. *Owner:* Tony Feijoo.

There are two homes on one lot. The owner is requesting this lot split so each can be on its own separate lot. The result will be two substandard lots. Mr. Feijo was present and commented that he is in the process of re-financing this property and the bank requires separate lots. Mr. Climer moved for approval, Ms. Lloyd seconded, motion carried unanimously.

The next item on the agenda was a replat presented by Mr. Haines.

Replat – 1242 Rodman Avenue NE

Location and Description: Lot No. 1384 and Part of Lot No. 1385, located on the north side of Rodman Avenue NE, east of Lewis Place NE. This request is to replat these parcels into one lot so that the garage is on the same lot as the house. The property is zoned R-1 One Family Residential. *Owner:* Rocky Brown and Connie Thomas *Engineer/Surveyor:* Nichols Field Services, Inc.

An agent for Cutler Real Estate Agency was present, but wasn't aware of the owners' intention. Mr. Climer moved to table the request to allow for further investigation, seconded by Mr. Manson, motion carried unanimously.

The final item for the evening was a dedication plat presented by Mr. Hamit.

Dedication Plat – Sanitary Sewer Easement

Location and Description: Part of Lot No. 16533 located on the south side of Lake Avenue NW between State Route 21 and the Tuscarawas River. The request is to dedicate a 20 foot wide sanitary sewer easement along the northeast corner of this property.

Owner: Ernie and Debra Lehman *Engineer/Surveyor:* CTI Environmental, Inc.

This is a Sanitary Sewer Easement for Ernie's Bike Shop. This will save costs and insure a better line. It will also be easier for City trucks to have access for service. Mr. Hamit acted as the representative since the easement will become City property. Mr. Manson moved for approval, seconded by Ms. Lloyd, motion carried unanimously.

There being no further business before the Commission, the meeting adjourned at 9:35 P.M.

Respectfully submitted,


Marilyn E. Frazier, Commission Clerk

Approval:

MEF/ky

R-1 One Family Res.

R-3 One Family Res.

R-4 One Family Res.

RM-1 Multiple Family Res.

Rezonning Request
R-3 to RM-1

HANKINS RD NE HANKINS RD NE HANKINS RD NE

WALSH RD NE

SIFFO BLVD NE

ON ST NE

WALSH RD NE

WALSH RD NE

SCOTTWOOD PLACE NE

IMPERIAL LANE NE

LAURENCE LANE NE

15100

OL 435

OL 435

12863

OL 556

OL 556

OL 855

OL 933

OL 856

OL 855

OL 933

OL 425

10502

12387

14068

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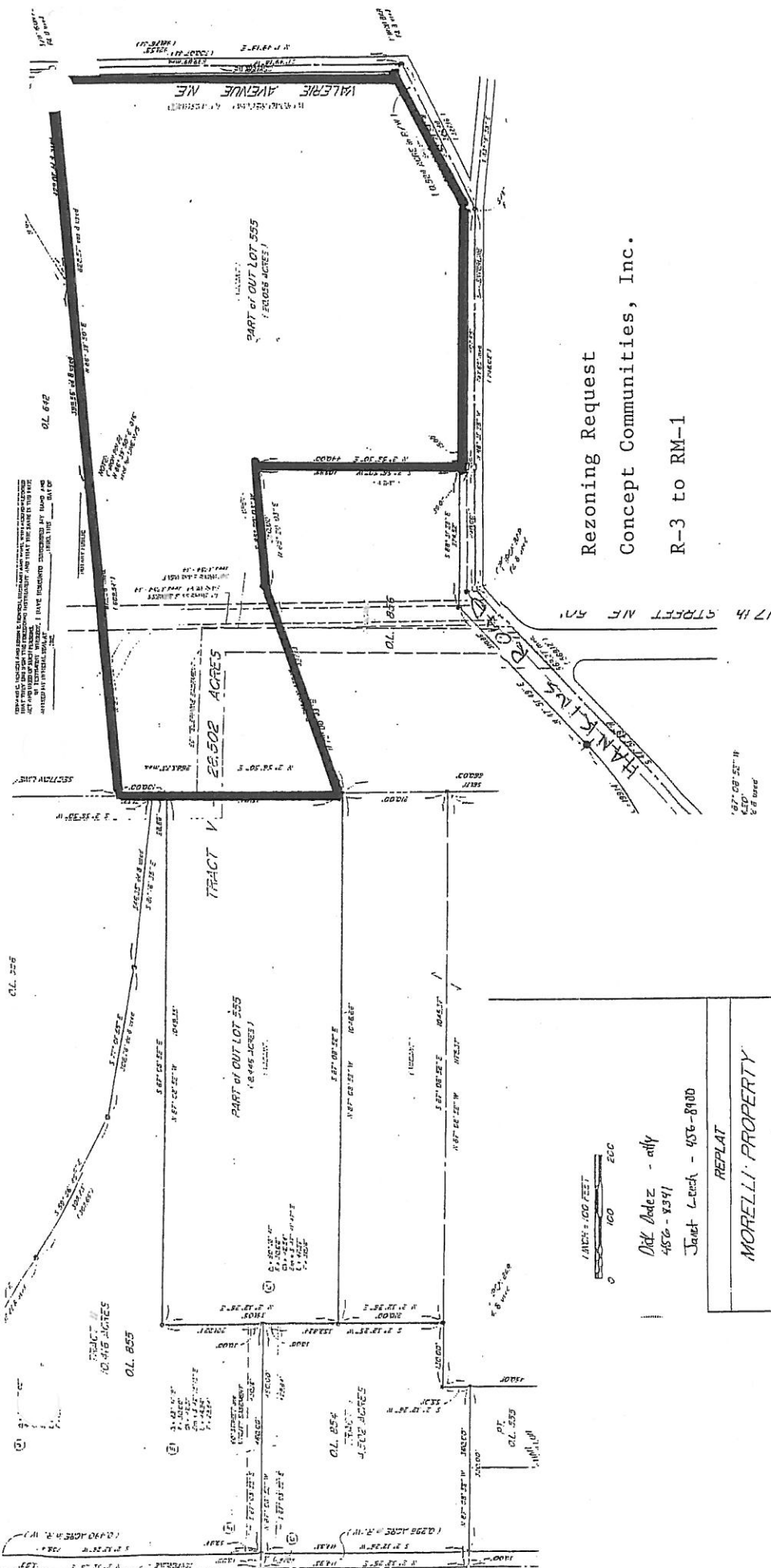
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Rezoning Request
Concept Communities, Inc.
R-3 to RM-1

[illegible]

Dick Dadez - ally

Janet Leach - 456-8900

REPLAT

MORELLI PROPERTY

PART of OUT LOT 555
in the CITY of MASSILLON
STARK COUNTY, OHIO

HOOVER and ASSOCIATES, Inc.

PROFESSIONAL SURVEYING SERVICES

1000	AUGUST, 2000	1999
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100

Statement to accompany Re-Zoning Application concerning a portion of out lot 933;

We are attempting to complete a design on the entire parcel of 28.502 acres which is out lot 933 in the City of Massillon. The intent is to bring forth a mixed use development of 22-28 single family lots (90' x 146' or larger) on the portion of the parcel going toward Wales Ave NE. and a 80-88 unit Condominium Development on the eastern portion north of Hankins and west of Valerie. Our plan would keep the two projects separate. The single family development would have a dedicated street while the condominium community would consist of private streets.

The following describes the current plan. Some issues remain regarding the actual space needed for retention areas and the length of the single family street. Once those issues are resolved to satisfy the City we can be more specific about the over all size of the two portions of the mixed-use project. Our land planner is developing an overall plan for the project which we will be prepared to present on December 11th. We feel this mixed use plan would provide the city with additional housing for a broad range of residents.

Our condominium projects usually attract 55+ aged residents; however, our most recent project also attracted young professionals. Approximately 25% of the units are occupied by younger residents. The average age of the residents is 56. Of course the single family development will attract a wider age range of residents. Again, this mixed use project will provide the city the best overall mix of housing for one of the last parcels of land available in the Northeast Section of the City.

Condominium Development: The eastern portion of the parcel would contain a condominium development of 80-88 homes being built on between 18.50 and 20.056 acres of the parcel. Each condominium building would consist of 4 ranch style homes with 2 car attached garage. The development would also have a 2800 sq.ft. Clubhouse for the use of the condominium residents. This facility would contain a community room for social gatherings, an exercise facility, hobby room and library or computer room. Included in the area is an outdoor swimming pool and practice golf putting green. There would be 4 models of ranch style condominiums built within the development. The smallest home is a 2 bedroom/2 bath condominium of 1269 sq.ft. with a 2 car attached garage. The largest home is a 3 bedrom/2-1/2 bath condominium also with a 2 car attached garage.

Single family Development: We, as the project developers, would complete a dedicated street from Wales Ave NE into the parcel for the single family lots. We would like to then end the street with a cul-de-sac. The single family lots would be separate from the Condominium Development. The single family project would have its own retention facility. The lots would also have some deed restrictions to keep the quality and value of the homes consistent with the single family homes to the north of the area.

NEOCOM I INDUSTRIAL PARK — NO. 2

LOCATED IN THE CITY OF MASSILLON, COUNTY OF STARK,
STATE OF OHIO AND BEING PART OF OUTLOT 569

NOVEMBER, 2002

2 LOTS

OWNER
MILLER LAND
DEVELOPMENT, LTD.
1400 MARKET AVE. N.
CANTON, OH. 44714
PHONE: (330) 456-9911

DEVELOPER
MASSILLON DEVELOPMENT FOUNDATION
137 LINCOLN WAY EAST
MASSILLON, OH. 44646
PHONE: (330) 833-3146

ENGINEER / SURVEYOR
HAMMONTREE AND
ASSOCIATES, LTD.
5233 STONEHAM ROAD
NORTH CANTON, OH. 44720
PHONE: (330) 499-8817

ACREAGE SUMMARY

LOTS = 8.442 AC.

SIBILA FAMILY LTD. PART.
PT. O.L. 569
990081933

MILLER LAND DEV., LTD.
PT. O.L. 569
97024283

4.072 Ac. TRACT
O.L. _____

MILLER LAND DEV., LTD.
PT. O.L. 569
97024283

4.370 Ac. TRACT
O.L. _____

VACANT

GRADING & FILLING
RESTRICTION
ESMT

75' BLDG. SETBACK
P.B. 66, PG. 47

12' PUB. UTILITY ESMT.
P.B. 66, PG. 47

AMERITECH ESMT.
I.I. NO. 2000028772

DIR.=LEFT
A=183.12'
R=790.00'
Δ=13°16'52"
C=182.71'
Bch=S 13°35'14" W
T=91.97'

MILLENNIUM BLVD. S.E.
VARIABLE R/W P.B. 66, PG. 47

SE COR.
SW QTR.
SEC. 28
P.O.B.

DIR.=RIGHT
A=62.83'
R=40.00'
Δ=90°00'00"
C=56.57'
Bch=S 51°56'48" W
T=40.00'

NAVARRE ROAD, C.R. 511—VARIABLE R/W
ROAD RECORD "A", PG. 154

SIBILA FAMILY ART.
PT. O.L. 569
990081933

N 07°04'34" E 640.00'

305.01'

334.99'

FUTURE 20'
DRAIN. ESMT.

T.P.O.B.

P.B. 66,
PG. 47

SEC. LINE

N 83°03'12" W 529.70'

N 83°03'12" W 2031.33'

S 83°03'12" E 609.64'

S 83°03'12" E
568.95'

332.68'

S 06°56'48" W

294.99'

37.69'

40'

40'

21'

A=62.83'

40'

40'

40'

40'

40'

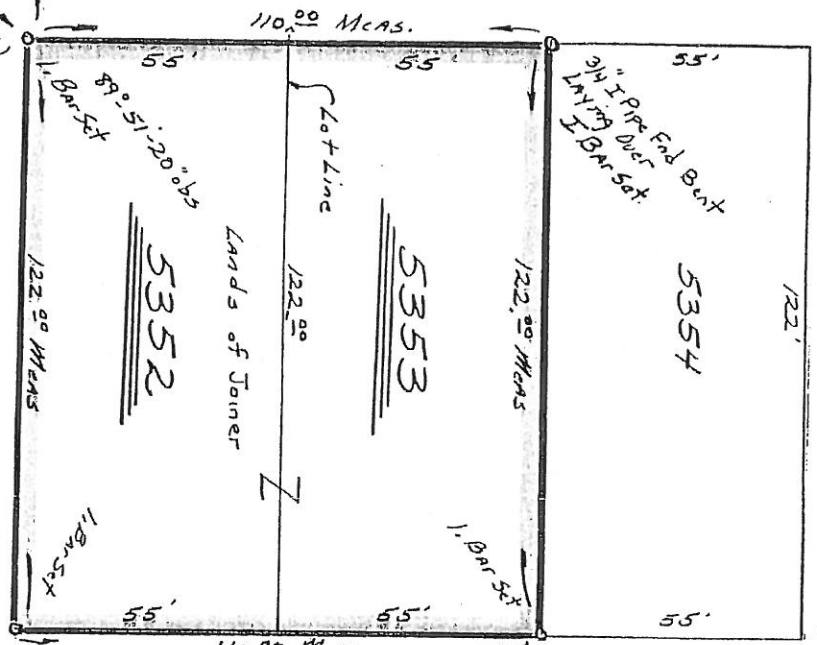
40'

Re-Plat of Lots No. 5352 & 5353
1508 3rd Street, S.E.

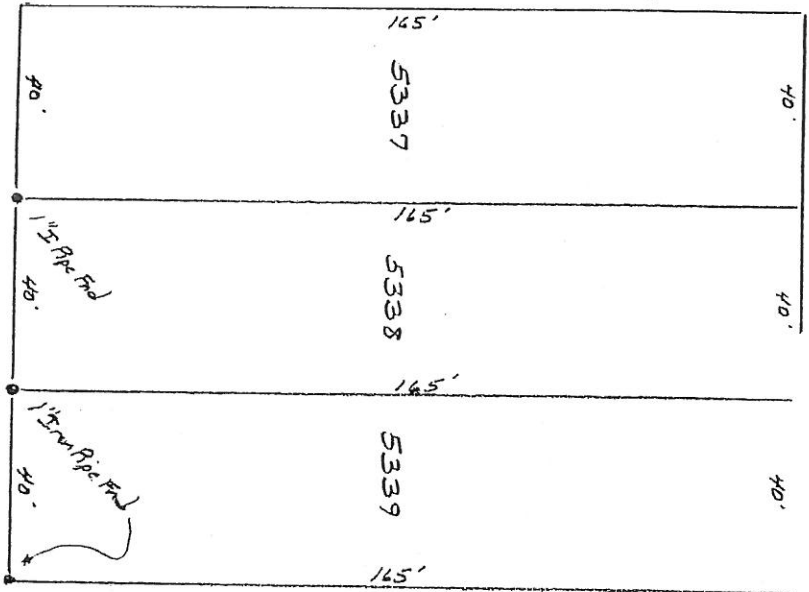
PEARL AVE. SE. 50 FT

FOR LINE
IP₁ @ 13TH ST →

15 FT PUBLIC ALLEY (Not Open)



15 FT 110.00 Meas. PUBLIC ALLEY (Not Open)



15 FT PUBLIC ALLEY (Not Open)

3RD STREET

S. E. 45 FT

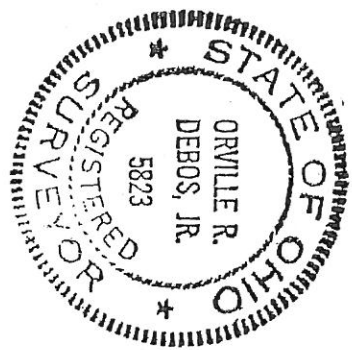
MAP OF SURVEY

Being Lots # 5352 & 5353 in the City of Massillon,
County of Stark, Ohio.

SCALE 1" = 40 FT



DATE: JULY 29, 2000



ORVILLE R. DEBOS, JR.
REGISTERED SURVEYOR

N E C T

City of Massillon Chapter 1187 - Supplemental Use Regulations

1187.15 BED AND BREAKFAST REGULATIONS

(a) Purpose

The purpose of Bed & Breakfast regulations is to provide for an alternative type of lodging for visitors, and to provide for the preservation and adaptive reuse of older structures and historic landmarks.

(b) Definitions

Bed & Breakfast Home

An owner-occupied dwelling unit that is at least fifty (50) years old or is a designated City of Massillon historic landmark, and contains no more than four (4) guest-rooms, where short-term lodging, with or without meals, is provided for compensation. The operator of the home shall reside on the premises. Food service may only be provided to overnight guests of a Bed & Breakfast Home and shall be limited to breakfast only and is to be served between the hours of 5:00 A.M. to 12:00 noon. Breakfast is defined as a meal at which only non-hazardous food products are served (hazardous foods are defined as those containing eggs, milk, meat, poultry, fish, and gravies) and may include pre-wrapped individual portions of non-hazardous food items such as rolls, crackers, jellies, along with coffee, juice, and commercially prepared sweet rolls. Activities including luncheons, banquets, parties, weddings, charitable fund raising, commercial or advertising activities or other gatherings for direct or indirect compensation, are prohibited at a Bed & Breakfast Home.

Bed & Breakfast Inn

A structure that is at least fifty (50) years old or is a designated City of Massillon historic landmark, and contains no more than ten (10) guest-rooms, where short-term lodging, with or without meals, is provided for compensation. Limited social functions such as receptions and private parties, with or without food service may also be provided. However, this definition shall not permit the operation of a restaurant for customers other than the occupants of the guest-rooms and their guests, or the invitees to the reception or private parties. The operator of the inn shall reside on the premises. If a Bed & Breakfast Inn provides food service to the general public, *other than its overnight guests*, it must be licensed under the Massillon City Health Department food service license regulations.

(c) Appearance

No alteration to the exterior of the residential dwelling, accessory building, or yard that alters the residential character of the premises is permissible. Examples of such prohibited alterations include paving of required setbacks and installation of commercial-type exterior lighting.

(d) Spacing Requirements

In all one-family residential zones, a Bed & Breakfast Home shall be limited to one (1) per block face. Block face shall mean properties which front on one side of a street, and lie between two intersecting streets.

(e) Length of Stay and Rates

Length of stay of a guest shall not exceed 14 consecutive days. Room rental rates shall be based on daily rental rates only.

(f) Parking Requirements

Off-street parking shall be provided at the rate of 2 spaces plus 1 space per guest room.

Additionally, the following requirements shall apply:

1. In all residential zones, the front setback area shall not be used for parking, except on existing driveways.
2. Bed & Breakfast Inns which provide for limited social functions must provide at least fifteen (15) off-street parking spaces. The entire parking requirement, except for handicapped parking spaces, may be provided off-site, subject to written agreement of the owner of the off-site parking area assuring continued availability of the required parking.

(g) Signage

Signage shall identify rather than advertise, the establishment. Within residential districts, signs shall be limited to one per establishment per street frontage and be limited to:

1. A ground sign not exceeding 2 sq. ft. in area and 3 ft. in height, or
2. A wall sign not exceeding 2 sq. ft. in area.

In all other zones signs shall be regulated by CHAPTER 1188, Sign Regulations of the Zoning Ordinance.

(h) Health Requirements

Food service and other health requirements shall have to meet all applicable State of Ohio, Stark County, and Massillon City Health Department regulations.

(i) Fire Safety

The facility must meet fire safety requirements of the City of Massillon.

(j) Inspections

All Bed & Breakfast Homes and Bed & Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.

(k) Licenses

1. All Bed & Breakfast Homes shall be required to have a city rooming house license.
2. All Bed & Breakfast Inns shall be required to have a city rooming house license and a city food service license.

Bed & Breakfast Homes and Bed & Breakfast Inns shall be permitted as Principal Uses Subject to Special Conditions, including approval by the City Planning Commission, in the following districts:

City of Massillon Chapter 1153: R-1 Through R-4 One-Family Residential Districts

1153.03 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

- (k) Bed & Breakfast Homes subject to the provisions of Section 1187.15.

City of Massillon Chapter 1155: R-T Two-Family Residential Districts

1155.03 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

- (c) Bed & Breakfast Homes subject to the provisions of Section 1187.15.

City of Massillon Chapter 1157: RM-1 Multiple-Family Residential Districts

1153.03 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

- (f) Bed & Breakfast Homes subject to the provisions of Section 1187.15.
- (g) Bed & Breakfast Inns subject to the provisions of Section 1187.15.

City of Massillon Chapter 1163: B-1 Local Business District

1163.04 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

- (d) Bed & Breakfast Homes subject to the provisions of Section 1187.15.
- (e) Bed & Breakfast Inns subject to the provisions of Section 1187.15.

City of Massillon Chapter 1163: B-2 Central Business District

1163.04 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

- (h) Bed & Breakfast Homes subject to the provisions of Section 1187.15.
- (i) Bed & Breakfast Inns subject to the provisions of Section 1187.15.