

Council met in **PUBLIC HEARING** on Monday, February 23, 2009, at 7:30 P.M. in Council Chambers with President Maurer presiding. Members present: Anderson, Avant, Dippel, Judge, Megyes, Silva, Soyars, and Suboticki. The purpose of the Public Hearing was to discuss a **zoning map amendment to the Barberton Development Code regarding 527 Lake Avenue.**

Ms. Sheridan, Planning Director, said maps were placed on everyone's desk. She said the first map is the current zoning in the area of the Lake: RT40; RM30 around the Lake, except for the property referred to as the "old Betts property," or currently, the "Trenta property," on the west side of the Lake which is RS40; and Mitch Naumoff's office which is O1. She said the second map shows the location of the big white house with the carriage house in the back, 527 W. Lake, situated on the corner of West Lake and Third Street, NW. She said also included in the packet are all the uses permitted in an O1 District in the event the property is rezoned to O1 and the owner would leave. She said the property would still remain O1, so any of the uses listed on the attached could go there if the property is rezoned to O1.

Ms. Sheridan said on Wednesday, February 18, 2009, Mr. Liddle came to the Planning Commission to request the rezoning of 527 Lake Avenue from RM30 (Residential Multi-Family) to O1 (Neighborhood Office). She said the Planning Department reviewed the Staff Report and recommended that the property *not* be rezoned to O1 because this would be spot zoning. She said both the Plan from 1996 and the Comprehensive Plan from 2006 recommend Multi-Family for this area. She said the Planning Department recommendation to the Planning Commission was that the property *not* be rezoned; however, after the Planning Commission heard from Mr. Liddle and one resident, their recommendation to City Council is that it *be* rezoned to O1.

Ms. Sheridan said Mr. Liddle is here to give his presentation.

Mr. Dennis Liddle, financial advisor, 1096 S. Azalea Boulevard, Barberton. He said approximately eight years ago he opened his father-in-law's Akron business after he retired. He said since that time, he has constantly looked for an office to relocate in Barberton because probably seventy percent of his business is Barberton and Barberton residents. He said this past year he was notified of a house in foreclosure that was going to go to a sheriff's sale. He said he saw it and felt it would be perfect for an office. He said it is a beautiful piece of history here in Barberton. He said he found that the carriage house had been vacant for about three years and there was no heat or electric in the main house for two to three years; it was being heated with kerosene. He said he does not have any drawings at this time because he did not really anticipate getting the home. He said they did not hear anything after the first offer, but everything has moved very quickly since the second offer was accepted. He said there have been no solid plans with what is going to be done to the home. He said it is a single-family unit right now with the original floors, lighting, and fixtures. He said this would be a nice opportunity to make it a centerpiece around the Lake. He said it would be similar to the bed and breakfast -- just to keep that piece of history. He said they do not know exactly what they are getting into and that is why it is difficult to tell Council what the plans are. He said he can tell everyone that he would like to have an office on the first floor -- to relocate him and his two assistants from Akron to Barberton -- and to have the second and third floors *eventually* remodeled. He said right now they would like to separate the utilities to operate the first floor and remodel the carriage house. He said he has no plans to advertise as a rental unit because he is very familiar with the City's problems with rental units and he does not want to contribute to that. He said if he has a friend or family member to rent to, that would be great, but he does not plan to rent it out at this point. He said he will remodel it and his hope is that tours could be given to show the historical part of it to the citizens. He said it is a great piece of property, but unfortunately, it has been falling apart and it is going to be a lot of work to remodel it. He said right now his game plan is to relocate the Akron office here.

Mr. Avant asked Mr. Liddle if he looked at any other areas in Barberton to relocate his business. Mr. Liddle said he had. He said he owns the Akron building, so he waited until he found something that he really thought was a great deal and interested him. He said there are a lot of vacant buildings in Barberton, but he felt this one was just perfect. He said he liked the layout and he liked the lie -- being on the corner. He said it is a beautiful place for an office. He said he has seen a lot of offices outside of Barberton where they have taken old historic homes and remodeled them. He said he does not have any rent where he is now, but he would gladly give that up to have the home on the Lake for his office.

Mr. Avant said along Third Street, there is a dentist office and the insurance office and he asked Ms. Sheridan where all of that fits in. Ms. Sheridan said they are legal non-conforming uses right now. She said if they were to burn down today, they would have to be rebuilt as a home and not a dentist office or insurance building. Mr. Avant asked what happens if they change hands. Ms. Sheridan said it can change hands as long as they do the same thing or do a lesser use. She said, for example, maybe the dentist office could turn into an insurance office, but it could not turn into a nightclub. She said as a side note: Next month, in front of Planning Commission, there will be a request from the City to rezone all the properties around the Lake to live/work, as well as the RM/RT areas. She said the zoning map amendment request will be to Single Family for everything, except the parcels that surround the Lake. She said live/work would be the use that Mr. Liddle is requesting ... work on the bottom, live on top ... or what Mr. Naumoff has. She said after Planning Commission, it will come to Council.

Mr. Liddle said he has no problem if in two or three months, approve this rezoning, and he would be happy to rezone his property to that. He said he does not want to do what we are doing now and then have all these separate properties. He said he is all for regulating what kind of signage he could have and in doing what is in the best interest of the City. He said he does not see any negative to this. He said he is taking a 5,000 square foot home that has been vacant for three/four years and remodeling it. He said if this does not work out, or if something happens to him in three or four years and it goes back to something else, at least you have a remodeled home that is actually livable versus what was deteriorating. He said it is a great property and he is excited about seeing it refurbished.

President Maurer said the carriage house was a garage with living quarters above, and he asked Mr. Liddle what he planned on doing with that. Mr. Liddle said that is one of the key pieces to the entire property and his plan right now is to retain the look of the building. He said they would like to seal the basement off and put walls behind so they can actually heat the basement, but keep the doors and everything. He said he cannot afford to have poor renters, but if he had a family member who wanted to rent it out, he would rent it to them. He said he manages people's assets and he has a lot of high network clients who will be coming to his office, so he cannot take a risk that there would be people not representing it well. He said he is not planning on ever advertising for renters. He said he will refurbish it to where he could rent it, but it may not get rented. President Maurer asked if the carriage house was heated with the boiler from the main house. Mr. Liddle said it had its own boiler. He said they just tore it out and they are going to put air and heat in it also. Mr. Maurer asked if the parking issues for clients have been adequately addressed. Mr. Liddle said there is enough property in the back, if it rezoned this way, that they would have off-street parking. He said there are two drives to the property, one off of Third and one off of West Lake. He said his plan is to put a parking lot in there behind the building off of Third. He said he wants the property to look like it did many years ago. He said he does not want big signs or a big entrance in the front. He said the plan is to have the main office entrance off of Third and then have the parking lot towards the back of the building so that the look from the Lake is like it was a hundred years ago.

President Maurer asked if there were any other questions or comments from the gallery.

Mr. John Kesterson, 575 West Lake Avenue. He said he guessed that Mr. Liddle's intentions were probably admirable and he has nothing against the gentleman personally. He said he probably has some good ideas to do this, *but* spot zoning is probably the absolute worst approach. He said he is going to read a couple of sentences from the Planning Commission and he thinks they are on the same page: The Ohio Supreme Court defines spot zoning as the singling out of a lot or small area for discriminatory or different treatment from the accorded surrounding land. He said he believed it was Ms. Sheridan who said that spot zoning is not favored since it smacks of favoritism and usually can act as an annoyance to neighbors. He said what the Planning Department has since taken issue to is going to somewhat solve this problem where it would give all the residents of that particular community a say in what we are going to do with that area. He said if you go back and look at the last twenty-some years of plans, they just keep saying that this is one of the best assets of the city -- residential housing. He said if you take a look at the track record of the properties that have become, or are trying to be maintained as commercial properties, it is not very good. He said we have some hideous signs and some things that do not meet property maintenance standards. He said if you take a look at the forty-five properties around the Lake, there are no problems with the eighteen of them owned

by single residents, with the exception of one with an aging resident. He said if you then go to the multiple rental properties, it starts going downhill. He said one-third of them are in need of repair. He said then you go to the commercial, what he calls boarding houses, and it is almost one hundred percent that fail to meet what he would call good maintenance standards. He said you can have the best intentions, but he does not know what goes wrong. He said maybe you go in thinking it is a great idea and then you start getting the bills and trying to maintain it, and then you start backing off. He said that is a big undertaking; it is a big house. He said it is going to take a lot of money to maintain it and it is taken out of the business profits. He said Mr. Liddle is a financial advisor, so he would know that. He said the Planning Department made a great presentation. He said they are one hundred percent committed that it should not be approved. He said the Planning Commission then turned around and said they are not governed by the Supreme Court of Ohio and they all voted unanimously that it should be done. He said he does not know what is wrong here; it does not make sense to him.

Mr. Pat Betts, 222 16th Street, Barberton. He said he does not think these houses are going to get rebuilt by single family owners. He said we do not have families of six or eight kids with parents working bringing in massive amounts of money to rebuild these properties. He said the single family zoning is never going to work around the Lake. He said we need the smaller offices, where it is restricted to where you can not put all kinds of extra things in there. He said now you are calling this live/work; he always called it an overlay for office space. He said if he understood from the meeting the other day, BCDC is all for this and they are going to lend \$100,000 on this project. He said he has driven past this house too and wondered what the heck happened there, so he is all for this. He said they could have turned his Sixth Street house over to Mr. Liddle a couple of years ago and none of this would have ever happened. He said he is all for this live/work thing as long as it is restrictive. He said Mr. Kesterson is right, seeing that balcony show up on a property, and he was surprised that the insurance company okayed it. He said if we get a few more in there, he thinks it would be great. He said then you know there are going to be people who are living and working there and it is not going to be over fifty percent of the properties owned by people far away who would not get anything done even if they had the money to fix things. He said there are still eighteen single families around the Lake. He said this is one way to rebuild the whole area.

President Maurer said everyone on Council knows his position on spot zoning. He said he does not like it; he has never liked it. He said the flip side of this is, if you look around that Lake, going back to the 1920's or earlier, a lot of places had small offices such as insurance companies. He said having a small businessman working out of his house was not terribly uncommon throughout the history of the area. He said it is one of these deals where there are really compelling arguments on both sides. He said to continue with something like that would not be a major break in tradition, but he would love to see that area return to single family. He said he does not want to see more rental property around the Lake; in fact, he would like to see a lot of these homes that were sub-divided return to single family. He said it is what it is.

President Maurer asked again if there were any other comments.

There were none.

President Maurer said hearing no questions or comments, this public hearing was closed.

Adjourned 7:53 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council