

Council met in **PUBLIC HEARING** on Monday, July 20, 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 various 30th Street, NW, Parcels.**

Ms. Sheridan, Planning Director, said the Planning Commission recommends to City Council that parcel numbers 01.00958, 01.12371, 01.10741, 01.00807, 01.12113, 01.07641, and 01.04861 be rezoned from C2 (Neighborhood Commercial) to RS40 (Residential Single Family). She said back in 1996, when the Planning Commission and City Council did a citywide rezoning, seven (7) parcels in the 30th Street area were rezoned from Residential to Commercial. She said at that time the City wanted to expand the commercial that was on 31st Street/Cleveland Massillon Road into the neighborhood. She said this is the only neighborhood in the entire Wooster Road Corridor that was changed from residential to commercial. She said there are residential parcels all the way up Wooster Road on either side except in that area. She said the residents were unaware they were rezoned because the Ohio Revised Code states that if the City rezones more than ten parcels at once, it just has to go in the newspaper; residents do not have to be notified individually by mail. She said the residents found out about this issue about five years ago. She said they were concerned about their properties because if they burned down, they could not be rebuilt because the parcels are zoned Commercial and they could not build a garage because they are legal non-conforming. She said the Planning Commission felt it would be a great service to these residents for the City to rezone these parcels back to Residential. She said that is what they did at the Planning Commission Meeting on July 15, 2009. She said several of the residents were at the meeting and they were very thankful that the City would consider this.

Ms. Sheridan said the Findings of Facts found that: the rezoning of these parcels back to residential will be compatible with the environment in the area as no other parcels along the Wooster Road Corridor into the neighborhoods are zoned Commercial. She said the rezoning is supported by the trend of development because the City has no intention of moving commercial into this area now or in the near future, nor has it been changed on the whole corridor all the way from 76 to 585. She said there are public services available. She said this furthers public interest because the City is the applicant and the goal in the Planning Department is to have equitable distribution of residential and commercial. She said the Planning Department and the Planning Commission feel this would be a good set of parcels to rezone back to Residential. She said the Planning Commission unanimously made a recommendation that said parcels be rezoned from C-2 (Neighborhood Commercial) to RS40 (Residential Single Family).

Mr. Avant said most of these are longtime residential people. He said there was a kitchen fire to Parcel 01.12371 that destroyed the house and the owner decided to just have it demolished. He said with the C2 zoning, they could not build a house there, so this rezoning would help that situation; it is a nice re-buildable lot. He said the large C-2 areas on the map are large apartment buildings called Heritage Place for the elderly.

Mr. Judge asked if this was the same scenario we had several years ago on the North End. Ms. Sheridan and Mr. Suboticki said it is very similar. Mr. Suboticki said they had that rezoning along State Street and very few people were aware of it until someone applied for a building permit and it was denied. He said at the time they thought commercial business would move down towards Wooster Road along State Street because of Rolling Acres, but it never happened. He said that area was changed back too.

President Maurer asked if there were any other questions regarding this public hearing.

There were none.

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

Adjourned 7:38 P.M.

Frederick S. Maurer
President of Council

Susan Matuch
Clerk of Council