

Council met in **PUBLIC HEARING** on Monday, November 2, 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 for 420-440 S. Van Buren Avenue (Washington Square Apartments).**

Mr. Stefan, Assistant Planning Director, said the memorandum that was distributed regarding the rezoning of 420-440 S. Van Buren Avenue was passed unanimously at the October Planning Commission Meeting. He said the City of Barberton is requesting that Parcel 01.01143, also known as Washington Square Apartments, be rezoned from Residential Single Family (RS-40) to Low Density Multi-Family (RM-18).

Mr. Stefan said in 1992 Washington Square Apartments Limited Partnership was formed to acquire, own, and operate a 24-unit affordable housing complex within four buildings for low and moderate income residents of Barberton. He said the partnership began leasing in January of 1994. He said the project was financed through loans from the City and also was established as a 15-year tax credit project. He said the site was previously zoned General Residential which allowed for an elementary school on the parcel, and after it was taken down, the apartment units were permitted. He said in the 1996 citywide rezoning, the property was changed to RS-40, or Residential Single-Family, and became a legal non-conforming use.

Mr. Stefan said this rezoning request is to bring it up to a conforming use, and it will also allow us to continue to ensure that it stays that low-density multi-family dwelling unit. He said basically, this does nothing but bring it into conformity because the City of Barberton is now the owner of that property at this point in time and we want to be sure that we protect and maintain the intended use from when it was built with State monies going back to 1994.

President Maurer asked if there were any questions for Mr. Stefan.

Mr. Chuck Daniels from the gallery asked if this was going to end up being AMHA. Mr. Stefan said that was a separate issue. He said that was one of the City's thought processes as far as the bond levy issue passed by the Schools and the collaborative efforts between the Schools, the City, and the Foundation; however, that has nothing to do with this rezoning. Mr. Daniels said it will end up AMHA. Mr. Stefan said that was the purpose for this property. Mr. Daniels said he thought the City was going to try to cut down on low income housing. Mayor Genet said Mr. Daniels brings up a very good point. He said when the Norton Homes property was purchased by the School District, there were 170 units in there. He said part of the agreement was to relocate 70 homes in Barberton, so there was a net reduction of 100 units in the City. He said there are 24 units in Washington Square, so now there are only 46 -- actually 44, because we bought a twinplex on Fourth Street -- so there are 44 units that they are looking to own in the City of Barberton. Mr. Daniels said more reduction is needed. Mayor Genet said he would not disagree with that, but we need to cross one bridge at a time. He said that was a win with Norton Homes. He said that was the agreement and that agreement was not necessarily made with AMHA locally. He said that whole purchase agreement with the reduction of the units was approved by HUD, which is out of Chicago. He said it is a very difficult process to be able to acquire such an

agreement. Mr. Daniels said none of you were on Council when, years back, Council passed a resolution that stated no more low income housing in Barberton. He said Barberton had 25% at the time; Stow and Cuyahoga Falls had less than 5%. He said now he thinks we are up to over 30%. Mayor Genet said we have approximately 1100 subsidized, or partially subsidized, or tax credit housing units in Barberton. He said that does not mean that there are 1100 AMHA housing units in Barberton. He said he thinks it is around 680-740 units. He said Mr. Daniels is right -- it has increased in the northern part of the county, but we are nowhere near the 30% that he indicated. He said it is probably less than 10%. He said there are about 11,000 dwelling units in Barberton, and if there are over 1,000 tax credit housing units or AMHA housing units, right there is 10%, so it is less than that.

Mr. Stefan said that issue is important, without a doubt; however, with this rezoning issue, we are trying to maintain and bring something into a conforming use that is a non-conforming, which our Development Code says we must do. He said secondly, by using this zoning designation on that parcel, we are making sure that no other low-income housing could be built on that two-acre parcel because it is restricted by certain amounts of two-bedroom units allowed within there. He said by doing this, we are making sure that does not happen, but we are also correcting a non-conforming use.

Mr. Judge asked if there was anything else allowable under the low-density multi-family or would it be just the two-bedroom dwellings? Mr. Stefan said basically it will stand for the multi-family use and it is the amount, or the number, of units that are allowed per acre parcel. He said by doing this, we are allowing those units that are there -- he believes it is 18 units per acre by the way those units are portioned on that two-acre parcel -- even though that number is 36 and we are at 24, there is no way with building setbacks that another unit would be able to be built on that two-acre parcel without coming to BZA for some kind of a variance. Mr. Judge asked if they would need a variance to go up ... to build a high-rise. Mr. Stefan said they could not build more than 18 units per acre. Mr. Judge said then they could build up if they limited it to six. Mr. Stefan said he guessed they could, but once again, there are certain requirements that go with that too. Mr. Bauschlinger, Building Commissioner, said they would have to look at the type of construction. He said he did not believe they were initially constructed to support a second floor, so it would be a pretty expensive development. He said he is not saying it could not be done, but it would be pretty difficult. Mr. Stefan said they are also changing some of the density of the complex through this whole process because the three bedroom units will be changed back to two bedroom units, so we cut back on the density at the location as it is now too.

President Maurer again 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 7:37 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council