

Council met in **PUBLIC HEARING** on Tuesday, February 22, 2011, at 7:28 P.M. in Council Chambers with President Maurer presiding. Members present: Anderson, Avant, Judge, Lysenko, Megyes, Soyars, Suboticki. Mr. Wagner was absent. The purpose of the Public Hearing was to discuss a **Business Park Overlay District and to create a permanent underlying zoning.**

Mr. Stefan, Assistant Planning Director, said this public hearing is to discuss the creation of a Business Park Overlay District (BPO) and to create permanent underlying zoning for 120 acres located at 2070 W. Turkeyfoot Lake Road in Barberton (Parcels #7400218, 7499217). He said the underlying zoning being requested is I-1 (Light Industrial). He said it would add flexibility to those parcels. He said everyone should have received the Planning Commission Staff Report, as well as the corrected version of the overlay. He said these issues went before Planning Commission on February 16, 2011.

Mr. Stefan said the Business Park Overlay District will allow for the requested development of the Lakeside Innovative Business Park. He said the purpose of creating a BPO District is to act as a second layer to underlying zoning. He said the intention is to promote the health and welfare of the community through the application of flexible land development techniques in the arrangement and construction of industrial buildings, offices, amenities, and roads. He said such flexibility is intended to assist property owners by retaining development rights of their land and, at the same time, accept development that maximizes conservation on the business park property and support the best interest of Barberton. He said there is potential for this business park to create roughly 500 jobs as dictated by the Barberton Community Development Corporation, the applicant for this zoning. He said the plan is to have the infrastructure go in from a 1.6 million dollar EDA Grant that was received last year to pay for the creation of the business park.

Mr. Stefan said he would not go into the details of the Staff Report; however, if there are any questions, he would be happy to answer them. He said Mr. Scott Wagner, the Executive Director from BCDC, and Leonardo Sferra, the consultant from GPD, are here and they also would be happy to answer any questions. He said the recommendation from the Planning Commission, with the revised text, is to respectfully recommend that the Business Park Overlay District be approved, as well as the permanent underlying zoning of Light Industrial for those parcels.

President Maurer said Council will have the opening round of questions, then the two people who signed in to speak -- Mr. Wagner and Mr. Sferra -- and then anyone in the gallery.

Mr. Judge asked 1) if there is a timeframe on the EDA Grant and 2) if there are any water runoff issues. He said water runoff is a huge issue. He asked also about the location of the 50 acres to be set aside. Mr. Stefan said these documents were given to Mr. Bauschlinger, Building Commissioner, and Mr. Keltyka, Stormwater Engineer, and all those issues were taken into consideration. He said this document has been a work in progress for approximately six months. He said those issues were addressed and they have certain things built in regarding setbacks and other stormwater issues that could happen. He said they believe it could actually *fix* some of the stormwater issues towards the northwest corner of the property as they do certain things.

Mr. Wagner said the EDA Grant was received in June of last year and they had twelve months to start construction. He said from the point of construction, they have two years to complete the construction and close out the project. Mr. Judge asked if there were any issues about not meeting those timeframes. Mr. Wagner said at this point in time, there were none. He said EDA said they would be willing to grant an extension on the start date that was requested in order to get more of the legwork done on the project. He said other than that, there should be no issues. Mr. Judge said he does not want issues to come up five or ten years from now. He said you can never see what is going to come down years from now, but he wants to make sure we are as prepared as we can be. Mr. Stefan said in the Planning Department, they try to be visionaries as far into the future as possible!

President Maurer said there has been a lot of talk over the years of a stormwater abatement district which included the South End, among other places, on the North End. He asked if the development of this property would tie into that. Mr. Stefan said Mr. Keltyka has not mentioned anything in reference to that issue when setting this up. Mr. Sferra said this project will not have

any abatement as part of any city projects in the future. He said the full project itself is about 120 acres and they are looking at anywhere from 65 to 70 acres of it to be developable; the rest of it is considered environmentally sensitive area ... wetlands. He said "wetlands" is a term used for one specific thing, but streams are environmentally sensitive. He said there are a couple of other factors in there, such as bio-habitats for bats, etc.

President Maurer asked if there were any other questions from the Body. He said hearing none, the gallery could now ask any questions.

James Metz, 104 Mitchell Street, Barberton, said his parents have property that abuts the Trucen Farm. He said he did not see anything specific about a buffer zone between current properties and where this is going to be built. Mr. Stefan said all properties and buffering are outlined in the Development Code and there are certain setbacks that go all the way around the property. He said they are addressed in the Staff Report, as well as in the site plan. He said depending on where the property is located, there are even some easements that would extend the setback farther than the traditional 15 feet. President Maurer asked if the property was on Fifth Street or on Turkeyfoot Lake Road. Mr. Metz said it is 1978 Turkeyfoot Lake Road. Mr. Stefan said along Turkeyfoot Lake Road, there would be the 15 feet and then the easement for the gas line. He said according to the site plan, there is approximately 45 feet and then the buffering between residential properties and the industrial park, which calls for heavy buffering with heavy intensity.

Mr. Metz asked where the land would come to widen 619 because the plan shows an exit lane and a left-turn lane. Mr. Sferra said they just submitted the plan to ODOT and they designed the actual roadway alignment so as not to impact any right of way. He said they knew acquiring land for a right of way acquisition would slow down the process, so they designed it so that the only right of way acquisition they would have to do was within their own property and would get dedicated back to the City of Barberton. He said they do not anticipate at this time to have to work with any homeowners throughout the course of 619 to do any of those roadway improvements. He said BCDC's property is the only one impacted at this point.

Mr. Megyes asked if his property is in Barberton. Mr. Metz said it was annexed to Barberton several years ago when they annexed the Trucen Farm. He said when the City talked to everyone about annexing into Barberton, the City said at that time that, if the property was ever developed, they would probably put in sanitary sewers for the houses along 619 to possibly hook onto. He asked if that was in the plan. Mr. Stefan said he did know, for the business part, there would be sanitary lines run back there at least to that area. He said going farther from that would be a decision made by Utilities. Mr. Stender, Utilities Director, said at this time, there are no plans to provide sewer services to those homes facing 619. Mr. Metz said that issue was mentioned when they were annexing. Mr. Stender said there is a waterline down there. Mr. Metz said he knew that. He said they told them they were going to put the waterline in right away, which they did; however, they told them that if they developed that property, they would also have sewer access. Mr. Stender said there is a sewer line there, but there is no plan at this time to tie into the homes.

Justin Thomas, Turkeyfoot Lake Road, said the park on the map is green and there is a piece of property on the south end and six properties along Turkeyfoot Lake Road that are the same color. Mr. Stefan said when a property is annexed into the City, it becomes Agricultural property. He said that is why they are requesting the zoning. He said the residential properties will be exactly the way they are right now; however, the zoning for the industrial park would change.

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 7:42 P.M.

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Frederick S. Maurer  
President of Council

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Susan Matuch  
Clerk of Council