

Council met in **PUBLIC HEARING** on Tuesday, January 21, 2014, in Council Chambers with President Maurer presiding. Members present: Avant, Debevec, Endres, Frey, Lysenko, Megyes, and Wagner. Mr. Soyars was absent. The purpose of the Public Hearing was to discuss a **request for Zoning Map Amendment (ZMA) for Parcel 01.01142 (Oakdale Elementary School Site) and 01.15464 (Deck Site).**

Mrs. Carr, of the planning department stated that during staff research, documentation has been secured that shows parcel 01.15464 was previously changed to an O2 zoning classification during the 1996 City Wide Zoning Map amendment which was approved by Planning Commission and adopted into legislation by City ordinance 148-1995. She stated that the only request continued forward is regarding parcel 01.01142, the Oakdale Elementary School Site. This request is to amend the Barberton Zoning Map from RS50 to O2 Office Center District. She said from the North, South, East and West the land use is all RS50.

Mrs. Carr said the proposed use and activities is that Summa Barberton Hospital is proposing a rezoning of the property to allow for a parking lot. She said it is anticipated that the hospital will develop a parking facility that would accommodate approximately 300 cars. She said grading, landscaping and lighting will be completed as referenced in rendering images. Mrs. Carr stated perimeter retaining wall(s) and fences will be added as needed which will be determined during the design process. She stated that compatible with the environs that the parcel is currently zoned RS50 which is intended to provide for an exclusive single family detached residential environment. She said that since 1923 the parcel has been owned by the Barberton City School district and designated on City of Barberton land use maps as public use until the City wide rezoning in 1996. She stated the vacant lot had an elementary school serving grades K-5 (300-350 students, staff and support staff); however, it was razed in 2007 by Barberton City Schools as part of a school consolidation plan. She said within the last 14 years the City of Barberton trend has been agreeable to rezone RS-residential parcels to an O1-office building to assist with growth and addition of health care services in the City of Barberton. She said these parcels include Community Health Center medical offices in 2001, it was residential and rezoned to O1, an adjacent parking area in 2008 and Austin Dental in 2002. She said the only instance since 1996 to rezone residential to O2 office center occurred in 2004 when the hospital purchased 8 acres of park property adjacent to the current facility for the hospital expansion project. This approval was supported by the definition of O2 Office Center District as outlined in 110.04(b)(1)(B) - This district is intended to provide locations for larger office buildings or complexes of buildings that attract considerable traffic from employees and visitors from a broad area. Mrs. Carr stated that it appears a rezoning furthers public interest by: Assisting with the growth and development plan of a prominent employer in the City of Barberton, developing a vacant property by a qualified and responsible business in a way that would support the needs outlined by a current employer in the community, and constructing additional off-street parking that could assist with the elimination of on-street "over flow" parking in this area as was discussed and presented by residents at the Summa Hospital meeting held on December 10, 2013. She stated that no current traffic study is available for the area. Mrs. Carr said historically, the site has been operated by the Barberton City Schools since 1923. She said the historical ability of the current infrastructure allowed service to approximately 300-350 students daily during the school year until closure and demolition. She said the use increased even more with consideration of bus traffic and after hour activities. She said while speculative, the

applicants use would not appear to create an increase from the historical traffic patterns and street capacities. Mrs. Carr stated water and sewer is available at the site, although not needed for off-street parking. She said storm water retention and drainage is a concern on this parcel because of suspected bedrock. She stated any development would require a storm water management plan be submitted and approved by the storm water engineer prior to construction.

Mrs. Carr stated the recommendation is: Planning Commission respectfully recommends to City Council the rezoning request for parcel 01.01142 be approved from RS50 (Residential Single Family) to O2 (Office Center District) based on the Findings of Fact as presented. She then stated that she and Mr. Stefan are there to answer any questions and also the applicants are there to answer any questions.

Mr. DeBord thanked everyone for having them there tonight and stated obviously they have talked about this at the public meeting that was held at the hospital as well as at the planning commission as he knows that several of the folks were able to attend but the issue they have is the long term planning needs. He stated the parking deck is going to need to come down in the next few years. He said they have made that very clear and as a hospital, along with their board, went through a process to look at what the options of what they will need to meet the long term needs of the parking that we have for the hospital and obviously they have very limited options. He stated the parking deck needs to come down. He said during the time that the time that the parking deck needs to come down they have to have enough parking spaces to be able to take care of the patients, the visitors, employees, etc. during that time frame. He stated once they got more into that process of doing that planning that is when conversation started with the school. He said obviously the school has this property at Oakdale. He said it is a block away from the hospital and obviously they were looking to sell that property and if we went through that process from the hospital's perspective we saw this as an opportunity to meet our current need and future need as a parking perspective but also additionally a win from the school's perspective because they are wanting to sell the property. He said the purchase price that they have talked about that and he knows there was some confusion as to whether or not the hospital had an active agreement with the schools. He said obviously they do and it is \$73,000. He said some people have asked that it is not a lot of money from a school's perspective but the big issue from the school's perspective is the long term maintenance and having to take care of that property which is a burden from the perspective of the school district. He stated that is something that the hospital would take that ownership on and that responsibility for that. He said he thinks as he has mentioned at a couple of the previous meetings that they have had, it is kind of a double edged sword from the hospital's perspective as to where they are located. He said they are very blessed and very lucky to be in a beautiful neighborhood with the beautiful park that they have but it also makes it very difficult from a land standpoint to be able to meet all the needs of those facilities. He said they are also very fortunate to be able to acquire the land that they did where they were able to build the wonderful Parkview Center. He said they were able to have the park in their associated with the new emergency center. He said they added the new emergency center last year but again when the parking deck comes down they have to have additional space and there is just not enough to do that. He stated the goal will be if they acquire the Oakdale property to be able to put approximately 300 spaces there. He said they will build another additional lot on the property that they have, 200-250 spaces and then with the employee lot they think that will be enough cover the needs until the parking deck comes down at which

time that would be replaced with surface lot as well. He said they think all of that combined will meet the current and long term needs of the hospital on a going forward basis. He said again he thinks they have a track record within the community for providing for the community needs, health needs of the community. He said they want to be able to continue to do that for many years to come. He stated that parking is not one of the big attractions, as far as what we think about, from a hospital perspective as we are trying to add services. He said he thinks they have done a great job at doing that with the cardiac program that they have and with the oncology program – he thinks that the Parkview Center is one of the best oncology centers in the entire country. He said they just added the new emergency department to which they think is great and it is going to be able to take care of the needs of our community for many years to come. He said so what they are really trying to do is meet the needs of all of folks in our community. He said he mentioned at a previous meeting that we really have to address the needs – we have (doesn't know the exact number) 25,000 – 27,000 people that live in the City of Barberton. He said the primary service area as a hospital encompasses more to the area of 80,000 to 90,000 people and then much more than that if you look at the secondary service area – probably upwards to 150,000 or more people who ultimately use our services. He said again they have a track record for taking care of the properties that they have, the surface lots that they have, the Parkview Center so they have heard a lot of the issue that have come up so they are going to make sure when they build this lot that they take care of the water issues. He said they will make sure everything that is required by the city code they will comply with and they have already had the architects look at that and the construction folks know that they will take care of that. He said they are going to make sure that all of the mounding and the landscape and all the things that are necessary for the perimeter of the lot so that they are not shining lights in folk's windows. He said they have designed a plan so they can keep interior lighting within the parking lot so they are not having lights on the outside of the property closer to the folks homes so that they can actually provide for a safe environment with also not being intrusive in the folks land. He said again that he submits that they have a track record of living within the neighborhood that they are now and so they are very blessed to be able to do that and have that so they are going to continue to do that even in this environment. He said he knows it is a block away from the hospital but they will continue to do that. He said he is happy to answer any questions not only that the council has but any other questions that come up tonight.

Mr. Endres asked Mr. DeBord what the service area is that he is referring to. Mr. DeBord stated that the way they calculate their primary service area is that they look at the zip codes that make up 60% of the volume that comes to Barberton Hospital. He said it is Barberton, Norton, Doylestown, Kenmore, Coventry, and New Franklin – the zip codes that add up to 60% of the volume that come to the hospital equal their primary service area and the other 40% that could come from other areas are considered to be the secondary service area (other parts of Akron, Canal Fulton, Green) and other things that fall out of that 60%. Mr. Endres asked if it is not necessarily a mile type radius. Mr. DeBord stated that it is all based on volume.

Mrs. Debevec asked Mr. DeBord asked if they have some numbers on what the estimated cost of the parking lot that they are proposing to put in, including the additional parking, the demolition of the current parking deck – she understands that the tearing down of the current parking deck (she's been told) and reconstructing a new one to facilitate the number of spots they need. She asked what is the estimated cost to put this parking lot in, the other parking lot that you

suggested that they need in comparison – they have also talked about a shuttle – which means another job, which means more income tax for us, if they have considered all of those things and how the cost difference is. Mr. DeBord stated that one is capital versus operating expenses but they have taken that into consideration so the estimates that they did during that planning is that there was approximately a \$15 million difference between constructing a parking deck which would solve the long terms needs of the hospital versus surface lots. He said surface lots are considerably less expensive and maybe somewhere between \$3-\$5 million range to do a combination of surface including the demolition of the parking deck and replacing it with a surface lot and doing the other two lots versus \$18-\$19 million. Mrs. Debevec asked if that would include the water retention. Mr. DeBord said that would all be built into that. Mrs. Debevec asked if this would be \$3-\$5 million. Mr. DeBord said yes.

Mr. Lysenko asked Mr. DeBord if he has retained any written estimates as to what the cost would be to rebuild a new deck on the existing site. Mr. DeBord said yes that the estimates that they did during the planning process (and he does not have them with him tonight) but it was all based on the planning process and the folks that are in the planning group that they use, the consultants that they use at that time, and that is where those numbers come from. Mr. Lysenko asked who did they obtain a written estimate from. Mr. DeBord stated that he does not have a name in front of him but he can get that to him but they did it through their internal planning and in the strategic planning process. Mr. Lysenko asked how many spaces was the estimate for the new deck that they obtained. Mr. DeBord stated he did not have that – he does not have the exact number. Mr. Lysenko asked if he could approximate it. Mr. DeBord said he does not want to guess, he does not want to say a number now and he prefers not to do that.

Citizens Addressing Council: Typed verbatim

Ben Raines – 12 Fifth Street, NE. Ladies and Gentlemen. I served on historic preservations boards in New York City. When a meeting concerned citizen's properties rights, we would postpone any votes, all comments would have been deliberated then voted on. Last week when residents spoke against rezoning there were many heartfelt concerns and some fighting back tears. Our planning commission vote was appalling and condescending. What has happened to neighborhood integrity when a committee has the power to ruin lives and property values. Maybe a young couple starting a family can't afford \$200,00 in Austin Estate but could start out in a \$85,000 home in the Oakdale neighborhood. But who would want to buy across from a one square block paved parking lot with 300 racing vehicles getting to that lot from four directions because they can't miss that shuttle bus and be late for work. What happens to our children and senior safety as those cars race up those secondary streets. I'll bet if Summa approached the residents of Austin Estates to purchase a couple acres in Anna Dean Park for their lot, elected officials heads would spin. We know how that vote would go. Since I am a member of the inflow and infiltration steering committee, I am aware of our serious problems with infrastructure, rain run-off, sewage and serious flooding issues. Only getting worse every year. Taking that lot certainly does not help that problem even if Summa engineers think they know the answer. The water has to go somewhere besides our basements and streets. Mr. Lysenko, ward two finds you to be honest and straight forward. We would like to thank you for your compassion, hard work, and tenacity with this journey. Ward two is sincerely fortunate having you as our councilman. I appeal to the council to reject the proposal from Summa. There are

many creative options within our own current perimeter where encroaching into our residential neighborhoods. Finally, as I sit in this chamber with all these historic pictures of Anna Dean Farm, most of those buildings are now gone. I look at Mr. Barber's portrait hanging there in the center, look down probably thinking what has become of my magic city, sadly Mr. Barber I think the magician has moved on. Thank You.

Jennifer Eckman – 203 E. Cassell Avenue. First of all, I think the examples that Summa is bringing to our attention is absolutely pathetic. We already know that they are building more parking behind their building and if you can remember the hospital voluntarily got the land that they have now for their parking garage so obviously that means the hospital isn't happy with what is already been given to them. We the people are done. We have given up half of the park. We are not standing down to let them take Oakdale too. Don't scare us with job loss, we already know how much the hospital takes in. With the regards to the rezoning, I agree. John brought up a great example last week at the planning commission. You pass this without getting all the answers. I guarantee there start being many issues with rezoning in the community, where more people will just think they can rezone anywhere. It will cover more problems than what you want to handle. We don't want our homes to flood. We don't want our values of our property to decrease. We want to strive to keep our homes the best. With this being said, the residents in ward two are different than your average citizens in Barberton. Let me tell you why. These are the citizens that you want to stay in your community. You don't want them to move out. You don't want these people to be mad or angry at the City. These people make Barberton strive by being the best. These people are true citizens of Barberton. Don't mess with ward two. Just because you think this decision is great for the City, does not mean it is a good decision for ward two. We love our City. We love the location of our homes and my parents have chosen to live on Cassell Avenue for over 40 years. It is a great neighborhood. Don't take it from us.

Rebecca A. Pfeister – 369 E. Paige Avenue. Mayor and members of City Council, as a resident of this City I have always voted for levies that have been put on the ballot, via City or School levies to make and keep our City as great as it is. Now I am asking for your help to deny Summa to build a parking lot basically right in my front yard. Summa states that there is approximately 650 spaces in the current parking deck. If they tear it down and put a surface lot that would be about 300 spaces with an additional 250 spaces to be put across the street where the current employee lot is, which everybody had seen that the employee parking lot every day from the pictures that Mr. Lysenko took is not completely full. Then we wonder about the five departments that Summa will be sending to the old Roadway Express Building. With those departments that is less employees that will be coming into Barberton. One more issue is that Paige Avenue is a secondary street. I have lived on Paige for 29 years and sometimes during the winter months it has been very hard coming up the hill even to get into my driveway. This doesn't mean that the City does not do their job. I mean I realize that they work hard when they plow the street but is this going to take Paige from a secondary to a primary street now that they would put in a surface lot. We have struggled for years to get up and down that lot. No sidewalks there. I worked at the hospital for 30 years so I know what it is like to walk down that hill. The other thing that I would like to say is that I love my City and I have worked and I have tried to keep it a great place to live and work. It is awful to say right now that I am not so sure. Please find it in your heart to save our neighborhood and do the right thing and vote no for the parking lot. Thank you for your time.

John Lysenko. I want to thank the residents who are here this evening in this lousy weather. The comments you made are moving. I find them to be moving. This is my neighborhood too. I submitted these photographs taken from January 1st through the 14th of this year. Only on one occasion did the current employee lot approach being full and there is still probably about 25% of the spaces left. I have them here if anyone on Council is interested. I showed them to Mr. Wagner. I could probably make duplicates but I have one copy right now. These are submitted to planning commission in color. I have asked for some things from Summa and I do not have them. If they had provided me with a written estimate that said it was going to cost them approximately \$19 million to build a new deck I would feel better about whatever they were asking for. But here we are tonight and I asked what that estimate asked for, how many spaces, we don't have that information. There are other things I have asked for. They are asking for a rezoning from RS50 to O2. O2 is officer center and there are a lot more things you can do in O2 than just parking and I am concerned about that because we may have a parking lot someday there, hopefully not, but it might be an office building in some point in the future also whether it is Summa that owns the property or someone else. So that is something that concerns me. Someone mentioned to me that in year's past that there is an unwritten rule among the people on city council that you would respect the wards councilman's request regarding a development. I don't know if anyone here remembers that or knows about it but I would hope that you would honor my request just the same way when there is something in your wards or your neighborhoods I would try to honor your request. We are talking about 16 parcels of real estate. The purchase price was \$73,000 but the written purchase agreement between the parties allowed Summa 45 days to obtain the property zoning. That was back in May. The tax value according to Summit County of these 16 parcels is \$92,370. If you ask me you have a well below market price for this. What I consider to be a very valuable property. I took a picture over there that was submitted to the planning commission. Even in the dead of winter I thought it was beautiful. If we are going to sacrifice this open space, it has been open for 7 years now, for a situation where at least for the parking study I did on my own there is only one occasion where this current employee lot is more than half full. On New Year's Day there may have been 1 car in it. This is a 24 hour a day business. When you add that to the transfer of departments that are leaving the hospital I don't see the need and I certainly don't see that need where it would outweigh the people in the community wish to keep it vacant, keep it open. This is their property values we are talking about also. I think that they are really making a huge sacrifice here if Summa can meet its parking needs already, now and in the future with the space that they have available now. At the planning commission it was also brought up that there is other real estate in the city that is available. I don't know why those options weren't explored and I don't know if they have been explored. But there are certainly better options than making that neighborhood a sacrifice for this multi-billion dollar business. Thank You.

President Maurer asked three times if anyone had other questions regarding this public hearing.

There were none.

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

Adjourned 7:56 P.M.

Frederick S. Maurer
President of Council

Renee Fox
Clerk of Council