

Council met in a **PUBLIC HEARING** on Monday, March 21, 2022 at 6:00 pm in Council Chambers with President Greer presiding.

The purpose of the Public Hearing was for Zoning Map Amendment Request by William Kobyluck for property located at 105 West State Street Barberton, parcel 01.16769 from RS40 (residential single family) to C3 (Community Center Commercial).

The Clerk called the roll: Members present: President Greer, Mr. Heitic, Mrs. Thompson, Mrs. Bailey, Mrs. Angeloff, Mr. Griffin, Mr. Jaber, Mrs. Coburn, Mrs. Frey.

Mr. Hunt took the floor. Mr. Hunt explained the rezoning process. This proposal came before the Planning Commission on March 16, 2022. It is a proposal by the applicant owner of the property, Mr. Kobyluck for the rezoning as stated above. As with any rezoning request it is referred to the Development Code, the applicable section is 1310: The land use table. With the exception of the parcel to the south which is Walgreens, which is zoned C3, Community Center Commercial, all other surrounding parcels are zoned RS 40 which is Residential Single Family.

A description of the parcel in question is as follows: 105 West State Street, a .8992-acre parcel owned by the trust of Mr. Kobyluck. This is a single parcel and the site previously consisted of several parcels before a lot consolidation occurred which is recorded with Summit County. The site currently consists of a 1026 square foot residential structure. This was a former garage which was remodeled in 2008 per Summit County's website. The block to the north consists of 4 parcels currently zoned RS40. Apart from the structure the other portions of the lot in question consists of greenspace and trees. The request for this parcel is to construct a gym and retail space. Major improvements are planned including the construction of a 4000 sq. ft. single story structure, landscape, a playground area, 25 parking spaces along with underground storage, water retention and both ingress and egress off of West State Street and Romig Avenue.

Although it is dated, we have a 1996 Planning Commission as well as City Council designated West State St. from Newell St. to Grand Blvd. as a transitional overlay district. This came from a 1994 planning study which came from the City's growth and analysis plan for additional commercial development of West State St.

In terms of approval criteria, we evaluate all of rezoning requests there are three (3) subsections. The first being is it compatible with the environs. It is compatible to the south as Walgreens is zoned C3. In terms of "Is it supported by the trend of development", there have been several rezonings, most recently the Christian Healthcare Ministries building where land was rezoned to C3. There have been several others recently in this area so "Is it compliant with current use" is supported. However, this proposal is speculative meaning that the applicant does not have a builder as he is going to build it himself. There is no proof of financing.

Is it consistent with city plans? The most recent Barberton plan does not address this site but as stated previously the 1994 Growth and Analysis plan does point to more commercial development along West State St. as well as Wooster Road. As previously mentioned, there is a residential house on the site and if this is rezoned it will be non-conforming as the land will be zoned commercial.

Does it foster public interest? Fostering economic growth does foster public interest especially when we have past planning practices that point to it.

Are public services available? The map does show that sewer and water are directly available to the site.

There was a consensus of all five Planning Commission members to recommend to City Council to support this rezoning request.

At this time Mr. Hunt opened the floor to questions. President Greer requested that members of the City Administration and City Council go first with questions.

Mr. Griffin asked if the surrounding residents had been informed of the plans and asked their opinion. Mr. Hunt stated that the city is required to send flyers to residents within 200 ft of the requested parcel. The city usually sends notices to residents within 250 feet and also put ads in newspapers. Mr. Hunt stated he has received a couple of phone calls from residents that were neither for or against the rezoning. At last week's Planning Commission meeting one resident came and spoke out against the rezoning. Mrs. Bailey added that her parents live on the one-way street facing the parcel in question, on Swigart St. and they had no idea of any of this other than when she told them. Mr. Griffin asked Mrs. Bailey what her parent's thoughts were. Mrs. Bailey said they were neither for nor against. Their concern is of traffic issues.

Mr. Jaber asked if the property owner was in chambers. He stood. Mr. Jaber asked him if he is a Barberton resident. Mr. Kobyluck stated he is a life long resident. Mr. Jaber asked Mr. Kobyluck if he had any other commercial properties currently and his history with building and selling previous projects. Mr. Kobyluck listed his history including Walgreens, Hungry Howie's, his home, and several office buildings. Mr. Jaber stated that this takes care of questions he had regarding the financing issue. Mr. Kobyluck stated that it's a family project and will be financed and built by his family.

Mr. Heitic stated that code section table 730 C lists 152 different uses that would not require conditional use permits for land designated as C3. Mr. Hunt confirmed the statement and stated that the Planning Commission had this information in front of them at the meeting where they recommended this action. Mr. Heitic also asked if when the letters go out to the residents being notified about the rezoning action, are they also notified that there are that many uses permissible? Mr. Hunt stated that the letters do not go into that much detail regarding uses.

Mrs. Angeloff asked Mr. Kobyluck why he chose to build a gym training center and if there was a need for that in the area. Mr. Kobyluck stated because that is what he wants to build. It is where his family's expertise is. His son is involved, his daughter-in-law is a yoga instructor and he is a martial arts instructor. They all like western dance. It is a family thing. Mrs. Angeloff asked what sort of retail space he was considering. Mr. Kobyluck replied that it would be for fitness related items and clothing.

Mr. Heitic asked if Mr. Kobyluck had inquired about the Faith Gym in the downtown area. Mr. Kobyluck stated he would not be interested in that.

With no other questions or statements from Council or Administration, President Greer opened the floor to public comment.

A question was asked if Mr. Kobyluck currently lived at the residence on the property in question. Mr. Kobyluck stated yes but it would be wiped out.

A question was asked if the gym space would be open 24 hours. Mr. Kobyluck replied that it would be open until 8pm. Also, this resident stated that she lives in the parcel down the hill directly behind the parcel in question and she is concerned that the winds and such would blow refuse and debris from the parking lot into her yard. Mr. Kobyluck stated that they would have to work together to provide some sort of fencing or landscaping to prevent the issue.

President Greer asked for the names and addresses of those citizens present:

Sara Taubler 41 East Hiram Barberton, Ohio  
Grover Hamlet of 16 East Hiram Street Barberton

President Greer asked if there were any other public comments. Paul Risley Fifth Street Barberton asked if it was ever considered to go from the property in question all the way to the church. President Greer stated that the question did not pertain to the hearing and would be an administration question. Mayor Judge was asked for clarification. Mayor Judge stated that this was looked at several years ago and there was no interest at that time from any of the property owners to have their property rezoned. The mayor stated that the problem is that once the properties are rezoned to commercial and say a garage catches on fire, the insurance company will not let the resident rebuild. To rezone that area due to the size of the parcels, the parcels behind that area would also need to be rezoned to get any business in there. Wooster Road would obviously be the main throughfare and from that perspective it makes sense however, a much bigger area will need to be rezoned other than just that one side of the street. The back side of those parcels will also have to be rezoned and that is only if the residents currently owning those want it. If there is a loss an insurance company would not let them rebuild. Also, residential property owners would have a hard time reselling if it is not selling to a business. We have found this in other areas in this situation as well. So that is the reasons we should be cautious when talking about rezoning.

Mr. Heitic asked Mr. Kobyluck if the plans he has for the gym have been looked at in regards to the exterior lighting affecting other properties which are very close. Mr. Kobyluck stated that the plans have been submitted and that Planning want him to give more attention to the ingress and egress on Romig Road so there are ingress and egress on State Street as well. Mr. Kobyluck stated he was going back to the drawing board with the plans in this regard. Mr. Kobyluck referenced Papa Roni's building and stated that the lighting would be the same on the proposed structure.

Mr. Jaber stated he would personally like to see this happen and thanked Mr. Kobyluck for wanting to invest in Barberton. Mr. Jaber encouraged all other Councilmembers to agree with this so long as Mr. Kobyluck agrees to work with the residential neighbors on the fencing and landscaping this should be a yes.

President Greer encouraged any resident with any questions or comments to contact Mr. Hunt.

President Greer asked three times if there were any more questions or comments. There were none.

President Greer, hearing no further questions or comments, adjourned the public hearing at 6:21 pm.

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Justin Greer  
President of Council

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Laura Ries-Price  
Clerk of Council