

**City of Norton**  
**PLANNING COMMISSION**  
**Tuesday, September 10, 2019**

The Planning Commission of the City of Norton, Ohio, convened for a public meeting in Council Chambers at the Safety Administration Building. Chairman Dowling called the meeting to order at 6:04 p.m.

**I. ATTENDANCE:**

**PRESENT:** Ralph Dowling, John Conklin, James Lada, and Marion Peterson

**EXCUSED:** Ruth Stimac

**ALSO PRESENT:** Shannon Szittai- Administrative Assistant; Jack Gainer-Ward One Councilman; Charlotte Whipkey-Council at Large

**II. OLD BUSINESS: None**

**III. NEW BUSINESS:**

**PC Application R11-2019**  
**Hisham Aboukila – Owner**  
**5026 Wooster Rd. West. PPN 46-04174**  
**[Proposing to Rezone R1 to B2 District]**

Mr. Dowling invited the owner or agent to come forward and tell us about the application.

Mr. Hisham Aboukila, 68 S. Portage St. Doylestown, stated he had bought the property six months ago for some kind of simple business. It is mixed there between residential and commercial and he had talked to the Zoning people about what could go there. He is willing to work with them and you to get approved. He did some research with an organization called SCORE from Akron that helped him with a plan for investing money. After talking to Mr. Braman, he felt that if he was willing to invest money and build something it was better to do it in Norton than somewhere else. He is willing to invest and be closer and help the community. It will improve this specific spot here as there are some other commercial around that are not doing very well. He is not in a hurry; he

does not have any plans before June of next year and will spend his time researching with SCORE and a commercial real estate agent that came in and gave him some recommendations. They had talked about small offices or small stores such as a possible bakery; so that is what he is thinking of putting there. Mr. Dowling spoke on the acreage at the location and Mr. Aboukila stated it was almost a vacant half acre over a corner lot with a house on the side next to it. Mr. Aboukila stated he works in bridges and roads, but based on what he read in the Code on what type of business and parking space was there he believed one or two small stores could go in that spot. There would be good access as there is one lane he could make 15 feet wide to the right from the road behind him. Mr. Dowling responded a concern on the minimum set back requirements. Mr. Aboukila stated he didn't need more than 2000 sq. feet as he did not plan on a big kitchen or back area with no kitchen. Mr. Dowling inquired if anyone lived in the house currently and Mr. Aboukila stated until June. Mr. Dowling asked if he would take the house down. Mr. Aboukila stated he did not believe so as he may not build anything and just convert the house instead; it would depend on a financial and business study. He would have to think about the house and putting money into it as he had a construction business before he moved to this country four years ago. Right now he is leaning to money as his business and used for an example his handling of a main road project in downtown Akron worth \$120,000,000 and we are moving forward with more work in money. Mr. Lada asked if he had worked with the city to determine B1 versus B2 versus something else. Mr. Aboukila answered he had worked with Mr. Braman and he said it could not be B3 and most of the area has B2. Mr. Dowling stated his concern is that it is all residential on this side of the road and Mr. Aboukila reminded him that there is a gas station a couple blocks down so someone not from the City would not know the borders between Barberton and Norton. There are other B2 businesses close to him so it would be matching with the businesses and these would have only two to three employees. Mr. Dowling brought up the spot zoning issues in the past and it is frowned upon due to the residents. Mr. Aboukila stated that is why we went with B2 as it is not as annoying as B3. Actually, he bought the house and kept it for a couple months to look at the area and it seems no one is on the street from 8-9 so something else would be good. Mr. Peterson asked if he wasn't just basically buying some property to determine later what would be done with it. Mr. Aboukila answered no; he was still building his life in America and as his son was born here, he is trying to build something for his future. I will not keep looking to buy something and to do something with; this is a specific one as it is the only vacant spot in the area. Being honest, if I cannot make it there I may sell it next year and find another city where he can do business and not have a job; he wants something that he can expand. Mr. Peterson stated so you haven't determined what kind of business to put there and Mr. Aboukila responded he had the research from SCORE and his real estate agent to choose between two small stores or offices since he cannot get more than B2. Mr. Dowling invited the other residents to speak.

Mr. Rob Kitchen, 4968 Grove Ave, described how he lives down the road a little past the property. Mr. Kitchen stated what he bought was basically a house with an extra lot that goes to a dead end street where he also has a house that borders the property in question. We already have the businesses across the road and does not see how it is fair to us to now move to this side of the road. Down the road at the gas station, yes, but that is Barberton and the traffic is already horrendous on Wooster and does not see the benefit to those that already live there. Mr. Aboukila probably wouldn't like it if he moved next door to him and wanted to build a Dairy Mart.

Mr. Allen Rider, 5002 Wooster Road, stated all of us have lived there for a long time; he had lived there for 35 or 36 years and realizes progress has to come, but there needs to be protection for the residents. My concern is the way he talked about entrances and exits. We have the corner lot of Richland and Wooster Roads, but our driveway is on Richland which is a dead end street. If he wasn't mistaken, he was talking of making a drive off it and we our drive is right there; he doesn't want to have to sit there for half an hour trying to get out of his driveway.

Mrs. Linda Rider, 5002 Wooster Road, we agree with Mr. Kitchen; we live on the dead end street right next to the property and ours is also a corner lot. First of all, she didn't see how he could put a bakery in without a kitchen and the sanitary issues. Ms. Rider stated she was more worried about the traffic. What's going to happen when they start building, how far back do they have to be and what is the code? We have lived in Norton for 32 years between their two houses and we want to keep our side of the street residential. We are our own little knit community and we want it to stay that way; leave the businesses on the other side. Ms. Rider went on to say that Mr. Aboukila had spoken of expanding the road and that area is very dangerous. I've been in an accident more than once when stopped and waiting to turn in where I've been rear ended. Another business on that corner is going to create more traffic in and out of there all day long.

Mr. Dowling asked if they had city services now and Mr. Rider responded they had water and they were looking into getting sewer; they had been out and marked for the tap in and were coming back out to look at the house hook up area. Ms. Rider asked what happens now and Mr. Dowling stated we would make a recommendation for or against the application. If approved, then it would go to Council where there would be a public hearing on the second reading. Ms. Rider asked if they would let more people in the area know and Mr. Dowling explained the only requirement was for the properties that actually has contact with the area in question and the properties across the street from it. The Riders complained that the greenhouse across the street never did what they claimed they would do when they came to put the business in and this guy doesn't even know what he is going to do. Mr. Rider pointed out that Mr. Aboukila had not hooked up to sewer yet and it is still septic.

Mr. Aboukila asked if he could comment and Mr. Dowling allowed it. Mr. Aboukila stated whatever the City decides, he is okay with; he just says what he believes. He has already spent money as he changed to water. He has only had the house for six months, but paid the fees for city water and is waiting for it to be started. The third thing is that this area is a little bad and needs some improvement; this area is not in good shape. You have an opportunity with a new business to make it better. Guess what; across the street you have a tire shop that attracts big trucks. He could give the same kind of noise and mess that you have across the street, but all he is going to do is a small store based on regulations that the zoning guys recommended, agreed with, and accepted for me. I am not going with something that will make you mad; we will attract more nice people business with the small business.

Mr. Dowling stated he had talked to Mr. Fowler last night and he shared the same concern on the spot zoning. Mr. Fowler had contacted Mr. Braman for his input. Mr. Braman could not come tonight, but his comment was that there were B1 and I-1 businesses across the road; there are some limitations in our code about what can go into a B2. So the major issue is the spot zoning and about ten years ago it was a hot subject. Ms. Whipkey added she had not forgotten and the people knew what was going to go in there at the time also. Mr. Dowling asked if the members of Council had any comments.

Ms. Charlotte Whipkey, 4624 Albert Ave., stated she was speaking as a council person I have issues with spot zoning. I am thinking if he was interested in a business why didn't he acquire the old Wade's Market as it is already zoned for a business.

Mr. Rider stated he could have acquired the old car hauler down the road with two houses and a big area on the other side of the road.

Ms. Whipkey stated these are the same things I'll be saying if it goes to the Council floor. I have an issue with what is going to go in there as I know what he's saying, but I know what I've see happen. The last time spot zoning did go through we see what happened; it is still vacant due to unforeseen issues of an underground spring or something. Mr. Dowling stated he thought the sewer and water were issues as well due to the connection all the way down to Gardner. Ms. Whipkey stated she believed there some issues with the sewer or water right at the corner at the old ice cream stand.

Mr. Jack Gainer, Ward One Councilman, asked if it could be approved with the contingency of submitting plans of a B2 business that is only acceptable. I am in favor of a business, but only something that would help the neighborhood and not hurt it; something that did not generate a lot of traffic although he would like it to generate a lot. I would be 100% in favor of the right business. I would not recommend a blanket approval for a B2 and then he builds whatever he wants. Mr. Dowling responded that this is very similar to Cleveland Massillon Road with the Pancake Creek property. The

process is you have to rezone it first and then you decide what can go with what will work. When they were approving that the problem was they wanted to put restrictions on the deed so certain things could not be done; well, you are proposing restrictions without knowing what was going in. Ms. Whipkey pointed out that was 140 some acres. Mr. Gainer stated it's also like Barberton Brookside that we put a stipulation it has to have Council's approval. If it could be restricted somehow since he has put money into it already, he would be in favor of it. Ms. Rider stated it is a half acre lot and that side is where we have lived and raised our children; how would you feel if they tore the house down next to you and built a business with all the traffic. That is what we want you to take into consideration.

Mr. Aboukila stated there is a corner business that is still in Norton a couple of blocks from him and it failed. It seems this area is not doing well; he will do his research and invest his own money. It could be easier for him to sell it or rent it and find somewhere else to invest. I just want to mention that it is Wooster Road West; it is already busy, noisy, and has big trucks. We are not changing the environment for the area to have a business. It is already in a main road; it is a state road. Secondly, I don't have any problem with any kind of drawing for approval from the City. There is actually an extra lane behind me or maybe a right of way. I would make it easier and better traffic for his business.

Mr. Dowling stated they had the options of approving, disapproving, or tabling the application. The issue with tabling would be is we are just delaying the inevitable. We don't really have any comments because we don't have a plan and the zoning inspector had no real decision. The two businesses across the road are really non-conforming uses viewed as B1 or B2 so he is not saying for or against; he just made some observations. If we approved it, it would go to Council and if we disapprove it, it stops as he had never seen Council override a disapproval. Mr. Lada asked about a time limit for him to find what he wanted to do if we table it. Mr. Dowling answered he believed it was 60 days and again the process says it has to be rezoned before and a site plan would be submitted after that. Mr. Peterson asked the residents if they were opposed to all business there and the residents did not want any at that location on half an acre. Mr. Rider stated it is all homes on that side until you get to JR Wheel and Wades Market on the other end. Mr. Peterson stated he just wanted it cleared up for him if they would want any business there or none and he understood now they wanted none. Ms. Whipkey stated she felt she could speak for them and what they are saying is they do not want any spot zoning; they want it to remain residential. That was the hue and cry we heard about 10 years ago and it was nasty.

Mr. Aboukila stated in talking to Mr. Braman, he got the idea that attracting new business is not easy. I know that as a City, the City leadership tries to open spots for incoming business, any kind of business, and build more business in the area and find someone to invest. This area is a little bad and what he will do in Norton or somewhere

else is improve the area by doing the right thing. Offices are not going well, but something small might improve the area and the neighbors would benefit from. It is not easy to decide how to invest and he could keep his money in the bank and go find somewhere else; I am not losing. Mr. Peterson stated that Mr. Aboukila keeps saying money, but he did not feel it was actually a money issue; it is more a matter of convenience. His perfect world is to create a win-win situation here and right now he does not see one. Mr. Aboukila stated he would abide by what the City would allow. He was told you cannot have something because it was too big; he couldn't have a dealership. He heard no, no, no and he finally agreed to something small and simple. That was what the City okayed and he agreed. He would be successful with whatever he did. Mr. Peterson responded that we were not choosing sides. Mr. Aboukila discussed the parking available for the vacant area that was limited so he did not think it could be too noisy or busy. He cannot see any problem with what he wants. This area is already a problem area and the three or four businesses down the road are already doing very poorly. He is helping and improving the business area. Mr. Peterson stated these people are concerned about their little piece of Norton; we are not questioning your ability or what you want. Mr. Rider stated he heard Mr. Aboukila say he had invested money in buying the house and all; we have invested a lot of money in the house where we are too. We have supported Norton for a long, long time and are only asking you to protect us from this. Ms. Rider added he says he's invested in it; drive by the property as it was not being taken care of now. The grass is over a foot tall in the side yard and almost as tall as her in the back. So if he's invested now, what will happen when a business is there?

Mr. Conklin stated he believed Council was going to have to determine if it is a spot zoning situation. It can be decided by Council or the Law Director can address it. We can approve it with a contingency that Law Director rules on the spot zoning or we can table it and say we are waiting for the Law Director to decide. Or you can choose not to go down the path and reject the application in its entirety. Mr. Dowling stated we could also approve it and let Council deal with it, but he hated to do that as we have had a couple like that already we have kind of passed along. One is on reading number six or something like that now and Mr. Gainer agreed, adding the seventh is coming. Mr. Peterson stated he felt it needed decided on the spot zoning as well as he did not know. Mr. Conklin stated if we disapprove the application then the issue on spot zoning will never be addressed; however, if we table or approve it with stipulations, then the issue of spot zoning will be addressed by the Law Director. Mr. Dowling stated his preference was to table it and get an interpretation from the Law Director and Administration as opposed to approving it; he was looking for a motion.

Mr. Conklin made a motion to table application R11-2019 based on a ruling by the Law Director on whether or not this application constitutes spot zoning and was seconded by Mr. Peterson.

Mr. Ralph Dowling asked for a roll call to table R11-2019. ROLL CALL: Mr. Conklin-Yes; Mr. Peterson-Yes; Mr. Dowling-Yes; Mr. Lada -No  
Motion 3-1...Approved

**IV. CONSIDERATION OF MINUTES:** None

**V. ADJOURNMENT:**

With no further business before the commission, Chairman Dowling announced the meeting adjourned at 6:54PM.



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Planning Commission Chair/  
Vice-Chair

11/26/19  
Date



\_\_\_\_\_  
Planning Commission Vice-Chair/  
Member

**\* ORIGINAL SIGNED DOCUMENTS ON FILE WITH THE CLERK OF COUNCIL \***