

Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee Meeting
September 18, 2006

Members: Kathy Hummel, Chair
Tim Gorbach
Ken Barnhart

Mrs. Hummel called the meeting to order at 6:20 p.m.

The minutes of the September 5, 2006 meeting were approved as submitted.

Legislation Considered:

Temp. Ord. A-91
Temp. Ord. A-92
Temp. Ord. A-93

Discussion:

Temp. Ord. A-91

An ordinance accepting the Planning Commission approval, recommendations, findings and conditions for the Mission Falls Regulatory/Final Development Special Overlay Plan and declaring an emergency.

Mrs. Hummel read A-91 (second reading). Mr. Guerra reviewed the Planning Commission staff report for the project. This is for a 38-lot conservation subdivision on 54.5 acres. Applicant is Mission Falls LLC of Medina, Ohio. The general plan for this area calls for Single Family Low Density 1-8 units per acre. Zoning is R-1 Large Lot Residential. The applicant is requesting an overlay plan to allow variation from the R-1 zoning a conservation overlay that reduces lot sizes to ½ acre in return for increased open space. This ordinance requests approval of the Regulating Plan to allow the overlay.

Mrs. Hummel said there will two more opportunities to review the plan before anything happens on the site, a preliminary and final subdivision approval.

Frank Fela (3443 Medina Rd., Medina), representative for the developer, reviewed the site plan. The lots will be at least ½ acre encompassed by an extensive network of green space, streams and a trail system. Houses will average in the \$500,000 range. The water shed and heavily treed areas will be protected. the steep slopes going down into the water sheds and ravines have been

considered, and setbacks have been determined accordingly. The main entrance is off Haas Road.

Mr. Fela said that several months ago, a market study determined that 27 existing homes on Haas Road had an average assessed value of \$215,000. There were 23 homes in Beau Ravine, Crown Pointe and Scenic Valley with values ranging from \$230,000 to \$1.1 million. Median home values for this project will be \$575,000, compatible with surrounding neighborhoods.

Blake Gerney (attorney with Oldham & Dowling) said he represents several property owners in the area of the proposed development. He believes the plan fails to meet the fundamental requirements of the General Development Code. As a master plan, it sets the agenda for all future discussions.

Mr. Gerney referred to Chapter 1113.12 entitled "The Application Criteria and Procedures for Special Overlay Districts", specifically the intent section which sets forth a framework in a special overlay district to permit a plan that better advances the underlying City goals to the extent that there is not a better plan already in existence. He believes there is a better plan already in existence, and the plan being submitted does not advance the goals of the General Development Code.

Mr. Gerney referred to Chapter 1111.03, indicating that the proposed plan does not deal with open space preservation better than one of the underlying schemes already in the code, namely R-1. Under R-1, more open space would be preserved. He referred to the wording "continuity of neighborhood character" in the same chapter. The R-1 developments surrounding this area have a minimum lot size of 1-1/2 acres. A lot size of 1/2 acre is significantly different and should not be overlooked. The chapter also addresses "harmonious relationships between open areas and residences so as to protect adjacent properties". As adjacent property owners, Mr. Gerney's clients believe that approval of this plan will have a significant impact upon that harmonious relationship. The implementation of smart and sustainable development practices are not served by approving a plan that is not set out in the City's general code.

Mr. Gerney said the first plan submitted to the Planning Commission was voted down because certain code requirements were not met. This second plan approved by the Commission in August contains many of the same deficiencies pointed out by the Commission in its first review. He said his clients truly believe they will suffer significant harm if this plan is approved, and it is their intention upon approval to appeal to Common Pleas court.

Brent Artman (an engineer representing residents of Beau Ravine, Scenic Valley and Crown Pointe) reviewed a list of deficiencies in the current plan. (See attached document.) He summarized saying that the developers of this project are taking an otherwise difficult piece of property to develop and applying a conservation overlay zoning that allows the developer to conserve an area that is undevelopable. The only area that is conducive to development is the area being developed, and basically sticking an R-3 subdivision within an R-1 zoning area.

Tom Shaheen (303 Crown Ridge Dr., Cuy. Falls), president of the Crown Pointe homeowner s association, said he is concerned about the impact of the conservation overlay district on adjacent property owners. He referred to Chapter 1131.02 of the code. R-1 includes 1.5 acres lots that are 150' wide and 250' deep. How does a lot size that is 80' wide better preserve the rural landscape than a lot size 150' wide? Also, if the conservation space is accessible to the public, who is liable for what happens on the adjacent private property?

Mr. Shaheen referred to Chapter 1132.2 of the code regarding the preserved area criteria. The gravel driveways aren t worth preserving. How can areas that have been modified with retention ponds be considered conservation space? He said residents do not oppose development per se, but they believe that the conservation overlay is being misapplied in this instance. He does not believe that smaller homes and lot sizes would be compatible with the surrounding developments.

Michael Battaglia (4779 Quick Rd., Cuy. Falls) said he s seen a series of developments in the Falls come through that used well-intended legislation to mask the real intent of the developer. The reason for the conservation overlay is to preserve areas, not to take areas that are unbuildable and use them as a reason for over-developing the main area.

John Lynett (283 Crawford Cr., Cuy. Falls), president of the Beau Ravine homeowner s association, said the association agrees with Dr. Shaheen. They are concerned about the liability resulting from access to the private lake and other issues already mentioned.

Jeff Kline (340 Crawford Cr., Cuy. Falls) said he owns the private lake in question. He does not oppose development, but he is concerned about the density and the potential liability associated with the lake. He is also concerned about overflow from the manmade dam.

Tom Stull (431 Crown Pointe, Cuy. Falls) said he owns a 2-acre lot in Crown Point subdivision. He recommended that Council review the current proposal further before making a decision.

Mr. Fela said the deficiencies noted in the first plan have been addressed by the Planning Commission in the current plan. With regard to Mr. Hartman s comments, other engineers have reviewed the plan and found the conservation level appropriate. The developer has attempted to make the public conservation area usable and accessible, as stated in the goals outlined by the City.

Mr. Gorbach referred to the question raised by Mr. Kline regarding maintenance of the lake on the Mission Falls site. Mr. Fela said it s a manmade lake and not subject to Ohio Dept. of Natural Resources regulations. Maintenance responsibility would rest with the homeowner s association .

Mr. Barnhart suggested the legislation be held for further study. He requested a copy of Mr. Hartman s analysis, which Mr. Hartman then provided to Council members.

Mr. Mader said he believes the current proposal is an improvement over the original. He said

there are details in the new code which should be clarified, including the formula used for density bonus. A reference point needs to be established. Given the issues raised this evening, he would be willing to hold the legislation for further study.

Mr. Mader asked about accessibility of the conservation space to the public. Mr. Guerra said this is just a conservation area with some natural trails, not part of the Summit County Greenway Plan. It is intended as a green space buffer between neighborhoods.

Mr. Gorbach said he would be willing to vote on the legislation given the current information, but he would not be opposed to holding it for further discussion.

Mrs. Hummel said the process began at the Planning Commission in December 2005. At that point, it was 60 acres with 55 units. A second revision in April 2006 included 48 units. Since then, some property has been removed, leaving 54.5 acres with 38 units. The Planning Commission agreed to two variances when they passed the Regulating Plan. One was for the length of the cul de sac; the other was for the front yard setback reduction from 45' to 40' to reduce the number of trees removed. Mr. Guerra said the General Code allows for cul de sac modifications due to topography and other factors. The Regulating Plan allows for variations in the Code.

Mrs. Hummel said that since this is the first conservation overlay, she would be willing to hold the legislation for further discussion at the next Committee meeting in two weeks.

The committee recommended holding Temp. Ord. A-91 for further discussion.

Temp. Ord. A-92

An ordinance authorizing and approving the site plan for development of 50,000 sf freight terminal at 89 Industrial Parkway in an E-1 Employment District and declaring an emergency.

Mrs. Hummel read A-92 (second reading). Mr. Guerra said the building will have 46 truck docks and 3,600 square feet of offices, along with a 35-stall parking lot and 30 stalls for truck parking. The applicant is Roadrunner Dawes of Richfield, Ohio and Keisland Ltd. of Cincinnati, Ohio. The property is approximately 9 acres located in Industrial Parkway off State Road. The plan was approved by the Planning Commission on September 6, 2006 with various recommendations.

Mr. Gorbach inquired about driveway placement and traffic volume. Mr. Guerra said the driveways will line up with A.C. Welding and Twin Sisters across the street.

Jeffrey Nott, representing the developer, said the traffic would be mostly between 5:30-8:30 p.m. and in the early morning hours. Mr. Barnhart asked which direction the trucks travel. Mr. Nott said trucks normally move north to Route 8.

Mr. Walters asked if there would be any impact on residential areas. Mr. Guerra said there are only a few scattered homes in the area, but the zoning is E-1 Employment District.

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Mrs. Hummel said the primary concern of the Planning Commission was the narrowness of State Road between Industrial Parkway and Steels Corners. The improvement of the intersection at

Steels Corners will make it work better. The condition of State Road should be addressed in the future, but it isn't reason to deny this project.

The committee recommended bringing out Temp. Ord. A-92 for approval.

Temp. Ord. A-93

An ordinance accepting the Planning Commission approval, findings and conditions of the final plat of the Boulder Estates Phase II Subdivision and declaring an emergency.

Mrs. Hummel read A-93 (second reading). Mr. Guerra said this is Phase II of Boulder Estates south of Seasons Road. It will include 43 lots on 14.8840 acres, zoned Residential Mixed Density Overlay. The applicant is Mike Orley from Brecksville, Ohio. The plan was approved by the Planning Commission on September 6, 2006 with a number of conditions.

Mrs. Hummel said building has already begun on Phase I. Total number of units will be 120 when the entire project is completed.

The committee recommended bringing out Temp. Ord. A-93 for approval.

The meeting adjourned at 8:05 p.m.

