

MINUTES OF PUBLIC HEARING

June 3, 2024

Temp. Ord. A-42

An ordinance approving the establishment of a New Title 5, “Merriman Valley Schumacher Code” and associated text and zoning map amendments for multiple parcels in the Merriman Valley Schumacher area, as more fully described and depicted herein and declaring an emergency

On the 3rd of June, 2024, at 6:34 p.m. EST, public hearings were called to order and conducted regarding Temp. Ord. A-42 dealing with amending specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearing was published in the Akron Legal News on April 17, 2024 and April 24, 2024. A true and accurate copy of the published Notices are attached to these Minutes.

The Charter of the City of Cuyahoga Falls requires that all decisions made by the Planning Commission be submitted to Council. The Planning Commission considered the application for adoption of the Merriman Valley Schumacher (MVS) Code submitted by the Community Development Department through multiple public meetings.

On April 2, 2024, the Planning Commission recommended the establishment of a new Title 5, “Merriman Valley Schumacher Code” and associated text and zoning map amendments based on the Merriman Valley Schumacher Master Plan, public input, and additional associated documents and findings more fully described in Project File TXT-24-00003.

Ms. Diana Colavecchio, Community Development Director, stated that the goal was to create a Master Plan in conjunction with the City of Akron. The City of Cuyahoga Falls and the City of Akron hired the same consultant and shared the cost of that expense, because most of the parcels in the planning area are intertwined. Because of that approach to the area, they thought that Akron needed to be a partner and they had a great working experience Akron. Akron brought to the table a large Planning Department and had some skill sets that they did not have and it worked out very well.

Akron has passed their Master Plan Code, but the City of Cuyahoga Falls continued to tweak it based on numerous meetings that were held. The Master Plan was adopted in February of 2022, but it is essentially a wish list, a goal book of what they would love to see happen when and if development occurs in the planning area. This T-shaped area consists of most of Akron-Peninsula Road and West Portage Trail. Most of the planning that was done for Cuyahoga Falls occurred in the four-corner area between Northampton Road and Portage Trail Extension. With Council's support, they were able to pass a gateway resolution that made certain

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promises and also set forth certain goals to conserve, preserve, protect, to not develop, if at all possible, that acreage in the 1,000-acre area that abuts the Cuyahoga Valley National Park, but when they do develop it, to prioritize tree habitats, wetland open space, use less concrete, and to promote ecotourism.

Ms. Colavecchio stated that before Council today is the rulebook on how they provide those things. The goal is to share that code book with all of the 16 communities that surround the Cuyahoga Valley National Park so that they can be the benefactors of the work without necessarily having to go through the hard work themselves and to pay for that. The primary goal is to be the best steward they can be of Cuyahoga Valley National Park. In the new code, they are adding a new planning area and a new zoning map. What Council is seeing today is the final vetted version of what the Planning Commission has said works for the City. It has taken many years, many meetings, and they think that is what they are providing to Council tonight. She has answered a couple concerns that residents have expressed along the way. Some residents thought that this new code would force them to develop their properties. It does not. This is a guidebook for the future. If a person who owns a vacant acreage parcel sells to a development team, this code book will dictate what they can put on those parcels. If a landowner currently has vacant acreage and their concern is that, in the not-too-distant future, maybe long after they don't own that acreage anymore, that another owner would sell it off for development and they can't stand the idea that that might happen, they have a right today to place a conservancy easement on their parcels. There are several nonprofit groups that would develop it and that would keep it from being developed for all time.

Mr. Rob Kurtz, Planning Director, and Ms. Mary Spaugy, Deputy Community Development Director, presented Part 2 of the Master Plan to revitalize the entire Merriman Valley area to make it eco-friendly and to develop it in an environmentally-friendly way.

Mr. Austin DeBello, 2220 High Street Cuyahoga Falls, spoke in opposition to the ordinance. He asked why there are no high-density apartments allowed if they would like to bring people into the City. Ms. Colavecchio stated that the primary reason would be that the less houses, garages, sheds, barns, restaurants, or any structures built, the less concrete is put on the earth and the less they have to worry about environmentally-created issues being so close to the Cuyahoga River and Park. That is one of the major goals.

Mr. DeBello stated that his concern is how building new homes will require landscaping and fertilizers that are legal and end up harming the environment. Ms. Colavecchio stated that there is no question that the more homes built and the more chemicals used to feed lawns potentially drain into the Cuyahoga River. They are restricting the number of units built there, but are hoping to open more businesses

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and create a business-friendly climate. The goal is creating a district near the river and the park that attracts recreational sports.

Mr. Andrew Holland, 2079 Sourek Trail, Akron, spoke in favor of the ordinance. He thanked the Mayor Walters, Ms. Colavecchio and all the professionals in the government and all of Council. They have done a wonderful job as they tried to work the plan through this process. He originally got involved because he felt like they were not heard and that there was a lot of ambiguity in the old Cuyahoga Falls Development Code. He was dismayed with the public process, but has to admit this process refreshed his belief that his involvement and government involvement when they all listen, produce something that is collaborative. During the public meetings, the Planning Commission listened to the public in the drawing of the conservation. They have kept their mind on the project and passing the code. They now have to wait for developers to push development through this. He is not anti-development; he is anti-unplanned development. This gives a plan and raises the bar with regards to what is going to be developed. The outside consultant, Doug Farr, and his team did a great job. He looks forward to seeing what is happening in the Valley.

Ms. Rebecca Garner, 1336 West Bath Road, Cuyahoga Falls, spoke in opposition of the ordinance. She asked if it was part of Ward 8. Ms. Colavecchio stated that it is located predominantly in Ward 8. Ms. Garner if it would not get city utilities. Mr. Kurtz stated that this code and this amendment has nothing to do with extending utilities. It does not say it is not going to be extended. That was not within the work scope of what they were trying to do. They were trying to make sure that these 1,000 acres are protected and preserved for future development if new development comes.

Ms. Garner stated that Ward 8 has been developed a lot and there is no stopping. She asked if they have a foreseeable future of hotel or motel in this area. Ms. Colavecchio stated that that a goal is that they would have overnight lodging. There is a tremendous amount of people who visit the Cuyahoga Valley National Park, spend the day and keep moving. The goal would be to attract them to stay overnight or stay for a week and visit the rest of Cuyahoga Falls. There is a lot of going on in the Valley with recreational sports. There is nowhere to stay now. Lodging is an acceptable use and they could foresee something like that happening.

Ms. Garner asked if the City of Akron has property are following these same rules and the same codes. Mr. Kurtz stated that they have different terms and different numbers in their code, but they adopted the same code with some slight variation.

Ms. Gina Burke, 872 Mentor Road, Akron, spoke in favor of the ordinance. She thanked Council and the Administration for the body of work that has been done since 2019. Her home was the ground zero for the worst possible experience that anybody should ever have with their home. She stated that this ordinance should

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pass because it has been brought forth with a real democratic process and they have taken residents' concerns. She is extremely grateful because they are going to have a different future because of that. She stated she heard that rezoning would have to come before Council. Council is going to look different in tow to six years. The Planning Department is going to change. It was her understanding that it was enough to say this is the code, this is what is to be done, and there is no deviation, because she does not want anybody to experience what she experienced in the future. In the next 10 years or next 20 years, this needs to look like and feel like and what people need to experience going down there what they thought it was, which is defined and everybody knows.

No further comments, either for or against the legislation, were offered by anyone in attendance.

Certification

The undersigned, Dana M. Capriulo, Clerk of Cuyahoga Falls City Council, hereby certifies that the foregoing is a true and correct copy of the minutes of the public hearing held by the Council of the City of Cuyahoga Falls, Ohio, at 6:30 p.m. on Monday, June 3, 2024.

Dated: June 3, 2024

Dana M. Capriulo, Clerk
Cuyahoga Falls, Ohio City Council

City of Cuyahoga Falls, Ohio

Notice

City Council Public Hearing

Notice is hereby given that there will be a Public Hearing in the Council Chambers in The Natatorium, 2345 Fourth Street, Cuyahoga Falls, Ohio on Monday, June 3rd at 6:30 PM relative to the ordinance bearing temporary number A-42.

Temp. Ord. A-42

AN ORDINANCE APPROVING THE ESTABLISHMENT OF A NEW TITLE 5, "MERRIMAN VALLEY SCHUMACHER CODE" AND ASSOCIATED TEXT AND ZONING MAP AMENDMENTS FOR MULTIPLE PARCELS IN THE MERRIMAN VALLEY SCHUMACHER AREA, AS MORE FULLY DESCRIBED AND DEPICTED HEREIN AND DECLARING AN EMERGENCY.

By Order of the Clerk of Council
Dana Capriulo

Akron Legal News April 17, 2024
 April 24, 2024