

**Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee**

July 15, 2019

Members: Mike Brillhart, Chair
Drew Reilly
Russ Iona

Mr. Brillhart called the meeting to order at 6:40 p.m. All members were present.

Legislation Discussed:

Temp. Ord. B-39

Temp. Ord. B-52

Temp. Ord. B-53

Discussion:

Temp. Ord. B-39

An ordinance approving a zoning map amendment for Parcels 35-01636, 35-01637, and 35-03632, from E-1 Employment District to MU-3 Sub-Urban Center, and declaring an emergency.

Mrs. Pyke asked if any of this land was wetland. Mr. Tony Demasi, Engineer, stated that it appears to be on the Summit County website. Before design and construction, the developer will have to submit a wetland mitigation. Mr. Gorbach asked where the three parcels were located on the map Council received. Mr. Adam Paul, Senior Planner, stated that the existing MU-3 is the orange one. The Pink E-1 zoning designations are the other three. There is one parcel immediately adjacent to that to the east. The parcel zone E-1 that borders Stow is included in this. A small portion of that is required for this development to go through with the road in order to meet setbacks from the one that's already zoned. Mr. Gorbach asked if that is the parcel that has some potential wetland. Mr. Paul stated that that is correct.

Mr. Reilly moved to bring out Temp. Ord. B-39 with a favorable recommendation, second by Mr. Iona. Motion passed (3-0).

Temp. Ord. B-52

An ordinance authorizing and approving the Villages at Sycamore Phase I Final Subdivision Plat and Improvement Plans for Parcels 35-02255, 35-00672, 35-00673 and 35-00674, and declaring an emergency.

Mr. Adam Paul presented to council the following recommendations of the Planning Commission:

The Villages at Sycamore Final Subdivision Plat, Improvement Plans and Landscape Plan conform to the Villages at Sycamore Final Development R-3RM Master Plan and the Villages at Sycamore Preliminary Subdivision Plat. Consequently, the Planning Commission recommends approval of Project File FMP-1900042 with the following provisions:

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1. The 30-foot Scenic Easement on the north property line should include provisions to protect large trees to the north and to maintain tree branches within easement.
2. Frank Court shall have perpendicular parking for 4 to 5 vehicles.
3. The landscape plan, including street trees, must be bonded in an amount no less than fifty percent (50%) of the cost of quantities in the plan.
4. Block I (and Block J) shall include legal provisions for the City to construct the Sycamore Valley/Mud Brook Trail (Environmental Design Group) Concept Plan.
5. Public infrastructure easements for future connections to adjacent (north, south, and east) properties shall be created.
6. There shall be a \$1,200 per dwelling fee (payable at zoning certificate approval phase) to be used to renovate the existing Barn and help to implement Sycamore Valley/Mud Brook Trail (Environmental Design Group) Concept Plan (Per Section 1124.05 Public and Community Facilities D. In Lieu of Dedication).
7. Front entrance retention basin must include a fountain.
8. Must meet all Mixed-Density Residential Overlay Final Master Plan approval Criteria.

Mr. Iona asked if Council will be reviewing each phase after Council approves Phase I. Ms. Colavecchio stated that that is correct. Mr. Brillhart stated that this passed unanimously through the Planning Commission. Some of the things that stand out to him are the varieties of beautiful trees and bushes that were picked. Mrs. Pyke asked if the street will have a bike lane. Mr. Paul stated that the main street that goes down the center of the development is a public street, so it would be built to the full improvement standard of five-foot sidewalk with curb. He believes that street will include parking. There will be sidewalks on each side of the street. Mr. Greg Modic, 10474 Broadview Road, Broadview Heights, stated that, on Alanson Circle, there will be a five-foot sidewalk on the outside of the turn. On Alanson Avenue, there will be sidewalks on both sides all the way down. That will continue in Phases 2 and 3. There will be parking on one side on each of those streets, so the pavement will be the appropriate width to allow cars to park on the street. On the interior parking on the circle, there will be a designated parking.

Mrs. Pyke asked if the width of the alleys leading up to the major street are less than 21 feet wide. Mr. Modic stated that they range in width from 20 feet to 22 feet. That was at the direction of the Planning Commission to have the narrow width to provide the feel in there. There are two parking spaces in each driveway, as well as pods identified on North Eckert and Frank Court in Phase I that will be adding parking. Mrs. Pyke asked if the entire circle and the main road will be treed. Mr. Modic stated that there is a pretty in-depth landscape plan that covers street trees all around the circle, the main road and throughout the development. The side streets will be private streets. The only public street will be Allanson Circle and Allanson Avenue. The HOA will be plowing and taking care of the private streets and the two retention ponds. The fountain at the front of the development is electric and will be metered. They will work with Falls Power and run the appropriate infrastructure to provide for the electric.

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Mr. Gorbach asked if the City has done anything with respect to the easement they mentioned. Mr. Paul stated that, over the course of review of the preliminary details for the proposed project, there was concern regarding an existing tree line that goes along Mr. Myers' property which would immediately abut this development. To try to accommodate that concern, the developers revised the plan in which they were not adding the minimum 30 foot, but moving it to 50 feet and electing to name it a potential scenic area. That is to prevent property owners' encroachment into the area and to stay off some of the tree root system and drip line there. The detail was being put together in an effort to allow Mr. Myers to access it a way in which it will be maintained to his preferred standard and to remove property owner use of it for the newly-proposed development.

Mr. John Slater, Council for the applicant, stated that, throughout the hearings, including the ones held before the Planning Commission, the adjacent property owner had raised some additional issues. Because of the location of residential structures adjacent to Mr. Myers' property, there was a concern that grass clippings, tree branches and toys would be stored or deposited in this 30-foot easement area. Specific language was added that prohibited that activity. As a practical matter, the Association is going to be transferred that property and will be maintaining it for the entire Association, so each resident won't be using that as their own property. Subsequent to that issue, there was some concern about tree branches that are located on the adjacent owner's property but hang over. Legally, the developer has the ability to cut or trim those back, but did agree, within the scenic easement, not to trim or cut those. It was agreed that they would provide the property owner, Mr. David Myers, notice if tree branches needed maintained or removed. He would then have 15 days to do that; if not, the developer could do that.

Mr. Miller asked if there was a timeline or any additional information for the Sycamore Valley/Mud Brook Trail concept plan. Mr. Paul stated that he doesn't have a stipulated timeline on when the trail portion of that would come to fruition. It would require this development to be built. It's incorporated as part of the landscape plan. It's already open-space use. They would have to get started to see exactly where their timelines are on construction and maintenance. Mr. Miller asked if Block I and Block J are dependent on each phase or just after both phases, and if there is a need to have a plan in place before the phases are completed. Mr. Paul stated that that was correct. As additional phasing is proposed, it has to come back again for final determination. Mr. Russell Balthis, Law Director, stated that, from the City's perspective, this is an agreement between the two private property owners. It was his understanding that their counsel had come to an agreement.

Mr. Scott Myers, 1701 Akron-Peninsula Road, stated that the February 17th plans show single-story homes on that side. The one that got submitted two days later, showed the three-story ones still that doesn't match what the code says of having less density on the R-1 border and denser on the side. Ms. Colavecchio stated that, in looking through prior Planning Committee meeting notes and the notes from the staff report from March 18, page 3 with respect to setbacks states, that there would be three-story Wexford models on the north property line. The Calvert models are two-story homes. It was always been the case that there would be three-story units on the north property line.

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Mr. Gorbach asked if Council could receive some more information regarding the homes that are going to be there and how it relates to the code as indicated by Mr. Myers. Mr. Modic stated that, to be clear, the meeting was on the 20th and the report date was February 13th, which includes these documents. There was nothing changed. Their plans were submitted ahead of that report date, so the Planning Commission had the opportunity to prepare their report which is that report there for the February 20th meeting. Mr. Gorbach asked for a copy of the staff report of February 20th, 2019. If there was a report on the 17th, as Mr. Myers referenced, they would also like a copy of any such report. Ms. Colavecchio stated that she would provide Council with the reports.

Mr. Gorbach asked if Mr. Demasi would meet with Mr. Myers with regard to his concern about the drainage, or if it used to drain into the road and it is no longer draining there. Mr. Demasi stated that Mr. Myers can certainly stop in his office any time. He has the plans in there, and it shows that ditch that swale being culverted for the development. He can show Mr. Myers the size and the location of those.

Chris Roman, 1002 Sycamore Lane; Gina Burke, 1701 Akron Peninsula Road; Andrew Holland, 2079 Sourek Trail; David Myers, 1705 Akron-Peninsula Road and Megan Hunter, attorney for the landowners, also addressed Council with their concerns and objections to the ordinance.

Mr. Iona moved to bring out Temp. Ord. B-52 with a favorable recommendation, second by Mr. Reilly. Motion passed (2-1). (Iona)

Temp. Ord. B-53

An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for a 22,440 square-foot multi-tenant building at 3422 State Road (Parcel 35-05424), and declaring an emergency.

Mr Reilly moved to substitute Temp. Ord. B-53, second by Mr. Iona. Motion passed (3-0).

Temp. Ord. B-53 (Sub. Dated 7-15-19)

An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for a 22,440 square-foot multi-tenant building at 3422 State Road (Parcel 35-05424), and declaring an emergency.

Mr. Reilly moved to bring out Temp. Ord. B-53 (Substitute Dated 7-15-19) with a favorable recommendation, second by Mr. Iona. Motion passed (3-0).

The meeting adjourned at 7:50 p.m.