

## MINUTES OF PUBLIC HEARING

January 16, 2018

### Temp. Ord. B-105

**An ordinance approving a zoning map amendment for Parcels 02-19693, 02-20071, 02-20072, 02-20073, 02-20074, 02-20075, 02-20124 (320 Broadway East, 330 Broadway East and 405 Tallmadge) from R-5 Mixed-Density Residential to MU-5 Urban Center District, as more fully described and depicted herein, and declaring an emergency.**

On the 16th day of January 2018, at 2345 Fourth Street, Cuyahoga Falls, Ohio at 7:08 p.m. EST, public hearings were called to order and conducted regarding Temp. Ord. B-105, dealing with amending specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearings were published twice in the Falls News Press, a newspaper of general circulation in the City of Cuyahoga Falls, at least fourteen days prior to the date of these hearings, to-wit: December 3, 2017 and December 10, 2017. A true and accurate copy of the published Notices are attached to these Minutes.

Mr. Colavecchio asked who will be speaking in favor of the ordinance. Mr. Fred Guerra, Planning Director, stated that Falls Village Realty, LLC is requesting a map amendment from R-5 Mixed Density Residential to MU-5 Urban Center. The R-5 Mixed Density Residential is a residential district that also allows nursing homes, assisted-living facilities and independent living facilities. Prior to 2005, when a total change was made to the Development Code, hospitals were typically residential districts. When the code was revised in 2005, this property was kept in a residential zone as basically a nonconforming use, because there were some elements of the facility that were nonconforming. Over the past 20 years, the Falls Village property has mainly been used as an assisted-living, nursing home facility; however, it also houses various medical offices and a kidney care dialysis center. Recently, Edwin Shaw Rehabilitation Hospital was also located in the existing facility. All these medical and hospital uses are considered legal nonconforming based on the site's historical use. This map amendment allows existing and future medical uses to conform to a more appropriate zoning district. The City prefers not to have that many legal nonconforming uses in a district, if it's residential or any other use, because it limits the ability to add on and expand. MU-5 allows nursing homes, assisted-living facilities, independent living and other residential facilities to be allowed outright, but it also allows medical offices and other medical centers. It would even allow for a hospital.

Mr. Guerra stated that, on November 14th, 2017, the Planning Commission recommended a map amendment for the parcels from R-5 Mixed Residential to MU-5 Urban Center. This map amendment is consistent with the historical development patterns and land uses in the Newberry Street-Tallmadge Road area. It is beneficial to the City for potential new medical facility investments and job creation, is harmonious with R-5 Mixed Density and E-1 Employment Districts and will not adversely affect adjacent land uses.

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Mr. Michael Francis, 405 Tallmadge Road, stated that he and his wife have owned that property since they purchased it from the State in January of 1999. He always works very closely with the City when there's something going on there. Unfortunately, Edwin Shaw has relocated to a new building elsewhere. Mr. Guerra has suggested that it be rezoned, so all the uses are conforming, rather than legal nonconforming, to clean up the zoning map. There is no development plan for the property right now. He is most likely going to take the first floor that Edwin Shaw vacated for their inpatient and convert it to assisted living or skilled nursing. He is also seeking more office tenants, since the office building is empty, because Edwin Shaw had occupied most of that since late 2009. He will be working closely with the Economic Development Department. With the expansion of either the skilled nursing or the assisted living, there will be additional jobs added. Not a whole lot of building activity is anticipated, though, in this case, and it won't look any different from the outside. Mr. Francis thanked Council for their consideration.

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 7:08 p.m. on Tuesday, January 16, 2018, in the City Council meeting room located in the Cuyahoga Falls Natatorium.

Dated: January 29, 2018

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

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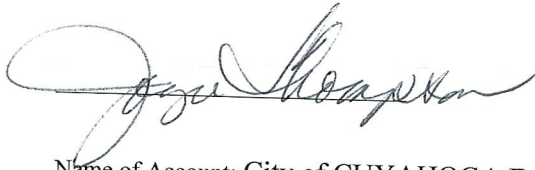
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FEB 16 2018

CITY OF CUYAHOGA FALLS  
LAW DEPT

*I, Hampton* being first duly sworn depose and say that I am Advertising Clerk of  
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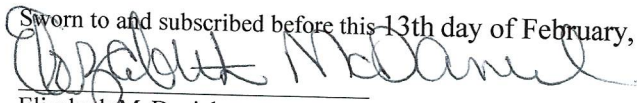
30 South Zone a newspaper printed and published in the city of Kent, and of General circulation in the County of Portage, State of Ohio, and personal knowledge of the facts herein stated and that the notice hereto annexed was Published in said newspapers for 2 insertions on the same day of the week from and after the 3rd day of December, 2017 and that the fees charged are legal.



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Elizabeth McDaniel  
Notary Public  
Commission Expires June 19, 2021

**LEGAL NOTICE**

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 Tuesday, January 16, 2018 at 6:30 PM relative to the ordinance bearing temporary number B-105.

Planning and Zoning Committee:

Temp Ord B-105  
AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR PARCELS 02-19693, 02-20071, 02-20072, 02-20073, 02-20074, 02-20075, 02-20124 (320 BROADWAY EAST, 330 BROADWAY EAST AND 405 TALLMADGE) FROM R-5 MIXED-DENSITY RESIDENTIAL TO MU-5 URBAN CENTER DISTRICT, AS MORE FULLY DESCRIBED AND DEPICTED HEREIN, AND DECLARING AN EMERGENCY.  
By Order of the  
Clerk of Council Dana Capriolo  
FNP, Dec 3, 10, 2017, 12393403