

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

**March 19, 2018**

**Members:** Paul Colavecchio, Chair  
Mike Brillhart  
Russ Iona

Mr. Colavecchio called the meeting to order at 6:56 p.m. All members were present.

The minutes of the February 20, 2018 Planning & Zoning Committee meeting and January 16, 2018 and February 5, 2018 Public Hearings were approved as written.

**Legislation Discussed:**

Temp. Ord. A-24

Temp. Ord. A-25

**Discussion:**

**Temp. Ord. A-24**

An ordinance accepting the Planning Commission approval, findings and conditions of the site plan for 169 personal storage units at 310 E. Tallmadge Road (Parcel 02-19506), and declaring an emergency.

Mr. Fred Guerra, Planning Director, stated that this ordinance is for site plan approval for personal storage units at 310 Tallmadge Road. The acreage of the parcel is about 4.2 acres; however, the personal storage units are on about 2 acres of this parcel. The owner of the property U-Haul America Real Estate Company, Phoenix, Arizona, would like to put storage units on this asphalt former parking lot. U-Haul Moving and Storage is requesting a site plan for 12 drive-up, exterior single-storage personal mini-storage buildings with 169 total units. Personal storage units are an allowed use in E-1 Employment Districts subject to general zoning district design standards. The site plan meets Title 3, which are zoning setbacks and Title 4, which are design standards, and that includes building design, parking lot design and landscape design and lighting. On page 1 of the summary of the file, there is a zoning map showing where the location is. Page 2 is a site plan showing the units on that existing parking lot with landscaping. On page 3, there's a photo of a similar-type unit and a schematic cross section of the unit.

At the March 6th, 2018, Planning Commission meeting, the Commission members voted to recommend approval of the major site plan for 310 Tallmadge Road subject to all the findings and considerations contained in Project File MSP-18-00005 with the following additional stipulations:

- 1) The planning staff must approve all brick color types before final zoning certificate approval;
- 2) The planning staff must approve all shrubs and tree type. Shrubs and ornamental trees shall be planted between curbs and sidewalks and 2.5 caliper street trees shall be planted in the tree lawns on Newberry Street. The plan with the aforementioned changes shall be submitted to the City with the tree/shrub types before zoning certificate approval. The landscape bond must also be posted with the Planning Division, and the bond amount shall be no less than 50 percent of the

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cost of quantities specified in the plan; 3) A new apron/driveway approach must be constructed at the parking lot storage unit area on Newberry Street. Driveway apron/approach must conform to the Development Code Section 1123.04C1c; 4) U-Haul must enforce noise and light pollution from dust to dawn or install an approved (type) fence to limit late evening and early morning access. U-Haul claims that they would rather not put fences. It's easier for enforcement for the building and police and fire to get into the site. All the buildings will be lit with LED lighting that goes down and doesn't spread out. The units are individually locked. If there are any problems, the City can go back and force them to have a fence; 5) U-Haul will investigate eliminating the use of the lot for parking cars from the local dealership in a reasonable timeframe. There is another parcel on Tallmadge Road that new vehicles are parked on. U-Haul is willing to eliminate this parking. The Planning Commission gave them a reasonable timeframe to get rid of those cars; 6) The addition of a sidewalk on Williams Street will be investigated by the City's Planning Department to see if conditions allow for it to be added during the project. That completes the report and the Planning Commission recommendation.

Mr. Colavecchio stated that, at the Planning Commission Meeting, U-Haul mentioned there are a number of cameras there to discourage crime. Mr. Guerra stated that there are 40 cameras they have in the city. They would be tied into the Phoenix office and the main building. Mr. Colavecchio stated that this was before the Planning Commission twice. The first time, it was tabled in order for them to make these additional corrections or improvements. Mr. Guerra stated that they didn't recommend the original plan, because they didn't meet the site design standards. The Planning Commission tabled it, and then U-Haul came back with the building redesign and landscaping redesign, and those items then allowed them to meet the code standards. Eventually, U-Haul would like to put a retro, historic-type sign, since they're on the highway. They actually are doing a good job in renovating the building.

Mr. Iona asked if there is a reasonable timeframe to remove the parked cars. Mr. Guerra stated that it is probably months. If U-Haul gets site plan approval and gets zoning certificate approval, at that point, the City would work with them to remove those cars. E-1 is a place where you can park cars. It was always a form of income for the former owner of the facility. The City will work to try to make it as reasonable and as quick as possible. Mr. Iona asked the timeframe for them if they get approval for completing the project. Mr. Guerra stated that U-Haul wants to start making the improvements and bringing the units on there. If they get site plan approval in April, it may be in May or June. Mr. Brillhart asked if they would be able to expand the storage units. Mr. Guerra stated not under this site plan approval. They have spoken to U-Haul about the timeframe for developing or selling some of that property for other development. Mr. Brillhart asked if any allowances were made for drainage of storm water. Mr. Guerra stated that Engineering indicated that they don't need any additional storm drains or any retention basins.

Mrs. Pyke asked if security becomes a problem, the Planning Commission can require U-Haul to put up fencing. Mr. Guerra stated that they can. Mrs. Pyke asked Mr. Guerra to define what a problem is. Mr. Guerra stated break-ins. Mrs. Pyke asked how many break-ins. She also asked if a fence would be required if needles or other paraphernalia were found. Mr. Guerra stated that

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that would be an issue where they could go back to U-Haul and require that they install a fence. Mrs. Pyke asked if they were prefab units. Mr. Guerra stated that they are prefab units. They have to meet design standards, which are brick. Mrs. Pyke stated that maybe Council needs to look at the zoning between Newberry Street and Main Street. If they want people to live there, then it needs to be rezoned so those people that are residential can sell their home or take out loans to make improvements. They put in almost \$6 million in new streets for those residents on that side, and those property values have gone way up. She is not in favor of this at all.

Mr. Gorbach asked what the process would be, before the fact, to re-look at some zoning in the city. Mr. Guerra stated that that area has been zoned industrial for a long time. E-1 was just the change that they have made in the code. They took a couple different industrial zones, combined it into one and called it Employment District, E-1. It's been like that for a long time. Storage units are allowed in E-1, C-1 and Mixed-Used Districts. There are additional requirements to put storage facility in Mixed-Use Districts. The design characteristics are greater than an E-1. Storage units were previously in light industrial areas prior to the 2005 code. It could have been changed to mixed use, but there was a need for industrial jobs. Most industrial growth in the city is happening in Ward 8. They wanted the opportunity to keep that area industrial, so the Cuyahoga Falls School District could get new industrial growth; not just the Woodridge School District. U-Haul bought the facility. They wanted to do this project. It's an allowed use, and they have to meet the code in order to do it. Mr. Gorbach stated that this was a long process, and the Committee worked very hard. U-Haul is doing a good job fixing up the building. They're trying to be a good corporate neighbor, and they're asking to do what's allowed on their property currently; however, it may be a problem for some people to live there. If nothing else, it may make everyone want to look at the code again. Mr. Guerra stated that it is not so much the E-1; it's how to govern how these units are built. This building is all storage. It's probably not the highest and best use; however, they have no control. When someone buys something, as long as they do it to the code, they can renovate and operate their business there.

Mr. Reilly asked if U-Haul had intimated to Mr. Guerra that after they move these cars off the lot on Tallmadge Road, they're going to try to put more storage. Mr. Guerra stated that U-Haul said they were not going to do that. Mr. Reilly asked what the Administration is doing to make sure that they are directing the sale or development of that property in connection with what the residents want of that area. Mr. Guerra stated that without the City buying the property, it makes it very difficult. The owner knows what could go in the district, whether it's residential, commercial, mixed use or industrial, and that's what drives the reuse of the property. They would have to either develop it, themselves, or sell it.

Mr. Pallotta asked if they have any example of storage units located in a residential area. Mr. Guerra stated that there are some units off of Munroe Falls Avenue. There are Service Department ones, and then there's a small set behind Ruether Mold. Those are Industrial Districts. This is the first one in the Cuyahoga River area. Mr. Miller asked how many districts allow for this type of facility. Mr. Guerra stated that the Manufacturing District allows storage units, E-1 allows storage units, C-1 allows storage units and Mixed-Use Districts allow storage units. Mr. Colavecchio

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stated that, during the Planning Commission meeting, U-Haul stated that they're hiring locally for the general manager, who's going to be there around 60 hours a week. If there are problems, like drug activity or something else, besides the cameras, there are going to be local people and a local general manager to contact to look into if there are any problems there.

Shawn Conway, 2442 Hunters Crossing, Stow, spoke in opposition of the ordinance. He stated that he has three properties on Newberry Street. The City missed a good chance of getting that property and doing good with the east side of Cuyahoga Falls. Council needs to take a look at the zoning and try to stop this kind of nonsense.

Tom Sullivan, 447 Tallmadge Road, spoke in opposition of the ordinance. He stated that he has lived directly across from this property for four different owners. The fence and the 24-hour access, as far as he is concerned, is nuts. He knows what happens in the neighborhood at night. He has had stuff stolen. It doesn't deter any crimes.

Edith Conway, 1725 Williams Street, spoke in opposition of the ordinance. She has lived two blocks from where this is going to be built for over 50 years and raised a family there. She is not a bit surprised that this is going to happen on the east side. She would like to ask the Mayor, Council members and the people representing U-Haul if they would like these two blocks from their house in their neighborhood.

Mrs. Pyke stated that if the residents who live there see criminal activity or suspect criminal activity, do not call the general manager. Call the police. By calling the police, there will be documentation, so when they go to this company to say this has been what's happening at the property, they have that documentation through the Police Department.

Angelo Antognoli, 1751 Underwood Street, spoke in opposition of the ordinance. Anyone that lives there knows the kids that walk from school and the kids in the neighborhood cut through that parking lot. He asked what's going to happen when those sheds are there. Do they think they're going to just walk between the sheds, and there's not going to be any damage done to them. He also thinks it brings a criminal element into the area from Akron, or who knows from where, to try to break into those things. He asked if the entrance will be located on Newberry Street. Mr. Guerra stated that it was. Mr. Antognoli asked if they could make the entrance on Reed Street. He sees no reason why they can't pave that street and make their entrance in there. Mr. Guerra stated that they put the parking on Newberry Street, because the traffic is there, and they would rather keep the traffic on a collector street. Mr. Antognoli stated that if the facility does go in, they need sidewalks. Mr. Guerra stated that they are going to look at Williams Street and putting sidewalks in their section.

Mr. Iona moved to bring out Temp. Ord. A-24 with a favorable recommendation, second by Mr. Brillhart. Motion passed (2-1).

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**Temp. Ord. A-25**

An ordinance authorizing and approving the Preliminary Subdivision Plat (Section 1113.03) for Woodlands Villas/Esplanade Subdivision on Parcels 35-03248, 35-03246 and 35-06575, and declaring an emergency.

Mr. Guerra stated that this is the preliminary subdivision plat for the Woodland Villas/Esplanade Subdivision. There are approximately 89 single-family lots in this development. The developers are Danny Karam, Petros Development. The home builder is Ryan Homes and the engineer is Mike Wohlwend. The zoning is R-3, Suburban Density Residential. The preliminary subdivision process is the first step for the development of the site. The Planning Commission and City Council looks at it and makes sure it meets all standards. If it gets approved, then they come back with a final subdivision plat with any of the changes that were recommended in the preliminary plat. Once the final plat gets in place, there is a developer's agreement to make sure they build everything out according to what the final plat says.

Mr. Guerra stated that the total acreage for the site is 64.61 acres. The residential lot area is about 34 acres, or 53 percent of the site. Open space is 24 acres, or 37 percent of the site, and the right-of-way area of the streets is about six acres, about 9 percent of the site. This is built on two sides of Sourek Trail. On page 5 on of the report, it shows what the subdivision looks like. At the March 6th, 2018 Planning Commission meeting, commission members voted to recommend approval of the preliminary subdivision for Parcels 35-03246, 35-03248 and 35-06575 on Sourek Trail subject to findings and conditions contained in the Project File PMP-18-00006 with the following stipulations: 1) the Planning Commission said that street width should be 28 feet wide with two curbs. They have to meet the curb radiuses for residential districts; 2) The developer will add two street stubs to Phase II. That's on the west side between Lots 55 and 56 and between Lots 46 and 47; 3) The developer will also upsize utility lines to serve potential additional growth on Sourek Trail; 4) After Final Subdivision approval and prior to subdivision construction, the developer will either: 1) deposit its share of the total cost in a special account reserved for the immediate or subsequent payment for the design, construction, expansion or upgrade of the street; or 2) make improvements to approximately 1,300 feet of Sourek Trail at their cost during the subdivision construction (plans must be approved by City) and 3) They would have to agree to a Tax Increment Finance (TIF) District that uses new subdivision property taxes to pay for street improvements and utility upsizing costs and utility extensions. That means that if Sourek Trail were ever improved, they would be responsible for their lineal feet of their development site. That would go into the account. When the City eventually improves Sourek Trail, they would use this fund to improve Sourek Trail in front of the subdivision. Plans must be approved by the city, which means they could go in and take this approximately 1,300 lineal feet and they could make improvements to Sourek Trail during the construction of the subdivision. To have to a Tax Increment Financing district in the entire Sourek Trail area, they would have to agree to this. This potential money or taxes that we would receive on the 80-some homes would go into an account that the City would use for street improvements, upsizing utility costs, utility extensions, trail, potential other things in that area that would benefit everyone. That could be extension of gas lines, extension of water lines, sewer lines, et cetera; 5) They have about 24 acres of open space.

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This says it either should be in a Homeowners Association that controls it, the City, or a conservation group. In the order, it would be the conservation organization that would own the open site, the City; then the Homeowners Association; 6) the Developer will exceed the City's current stormwater management policies or meet any new storm water policy approved by the City. Stormwater Best Management Practices shall also be incorporated into the retention basins, as described in Table 1124-19; 7) all housing must meet Section 1142.02 General Design Standards. In addition, 50 percent of all front facades must include either natural-colored brick veneer, stone, cast stone or front porches. All siding shall be cement fiberboard or quality vinyl siding. On long, straight streets some variety of setbacks will be allowed, depending on the degree of variety of the front elevations. Where there are more than 6 lots in a row on a straight street, the 25 percent of the houses shall have a setback other than the 75 percent. This setback modification should be utilized on lots with stream corridors in the rear setback; 8) The developer will obey all requirements associated with Stream Corridor Protection either open space blocks or within individual lots. Stream Corridor areas shall be identified on the ground prior to any tree cutting, except for those trees located within the proposed storm water basins. No trees shall be timbered within stream corridor areas or within open space blocks. Chapter 1125 Stream Corridor Protection constrains tree timbering/cutting within protected and managed buffers; 9) If tree timbering takes place after Preliminary Subdivision approval, a refundable cash landscape/site completion bond payable to the City shall be payable to the City; 10) Final improvement plans must include street trees; 11) Declaration of Covenants, Conditions, Restrictions and Reservations of Easements shall be revised to include all appropriate stipulations from the Project File PMP 18-00006; 12) A written safety program is to be submitted and approved by the City pertaining to construction traffic and equipment; 13) The developer is responsible to repair any damage sustained to the streets during construction.

Mr. Colavecchio stated that after the Planning Commission initially tabled this, the developer came back with these 12 additional things that are above and beyond code. He asked if the plan they have with regard to drainage is above and beyond what code requires. Mr. Tony Demasi, City Engineer, stated that this is the preliminary stage of plan development. They haven't officially submitted anything to him in terms of the stormwater management, but they were assured when they do submit the design for preliminary, it will exceed current standards for stormwater management on the property.

Mr. Gregory Modic, Woodland Villas, 10474 Broadview Road, stated that they were aware of many of the issues the residents brought up at that time, because they did their research up front with regards to condition of the road, the location in regard to the National Park and some natural steep slopes and stream corridors. They did identify those stream corridors and chose not to impact any of them. Their goal is go above and beyond what the code requires. The biggest impact will be the condition of the road. The condition of that road exists today without the development. Part of the improvements are bringing the sanitary and sending it further down Sourek Trail, along with a water main. They are working with the County Sanitary and Akron Water to make sure they are sized adequately for the development and the surrounding district areas. There are residents on Kubric that don't have a usable water source there. There are no fire hydrants there. If the City

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were to decide to move water with a TIF to expand beyond their footprint, those things could be implemented out there for safety and providing water to them. Mr. Modic stated that he has also spoken to Dominion. They would look to expand that gas main down Sourek Trail to provide gas to residents that need it. With regards to the flooding, they have not provided a detailed calculation to Mr. Demasi. Their engineer has been in contact with ideas and concepts.

Mr. Modic stated that in speaking with Planning Commission members, it was very apparent that they were also concerned about these things. He can assure everyone that they will exceed the code requirements. Code requirement is 10-year post-development storm and reduce that flow rate that it is discharged to a 2-year predevelopment storm event. Their goal and mission is not to rewrite the code or change it in any way, but he's directed their engineer to hit the 50-year post-development storm and reduce it to a two-year, which is far beyond the 10 years. All their stormwater management would take that flow rate and reduce it down to 50. If, during the final design, they can get to it 100-year storm with regards to the stormwater management associated with this site, they will, because they do recognize the sensitive areas of that. Mr. Modic stated that they are putting 37 percent open space in there. The code requires much less than that. There are some riparian areas that encroach onto the lots. There are many that are off the lots, as well. Summit Soil & Water provided him a great deal of literature. Their goal is educating the people that are buying these houses, make sure it's part of the sales and, when turned over to these residents, that they have documentation of what these areas are back there and why they are important and how they impact everyone downstream. It is not part of the code requirements, but they look to put signage there so residents can physically have something to identify those areas in their backyard. He met with National Park representatives and talked to them about these ideas. They suggested they go one step further with regards to literature and be sure to incorporate the site-specific ones in that literature, so not only the people that buy those lots, but everyone within that community have that literature and understand what they are. They are open to working with the City, whether the City would accept those areas, a third party, a conservation group, HOA, or whatever it may be, and put into place, with covenants and restrictions, an enforcement mechanism similar to the stormwater management ponds where they report to the City on an annual basis indicating the ponds are functioning, planning for the future if something comes up and funding for it.

Mr. Colavecchio stated that if Council approves this preliminary subdivision plat, they have a bat that limits their building season. Mr. Modic stated that when they coordinate with the U.S. Army Corp of Engineers for the wetlands, they coordinate with the U.S. Fish & Wildlife, who make recommendations that the trees not be cut between April 1 and October 1. Mr. Colavecchio asked if they would have to take the trees down in March in order to build this year. Mr. Modic stated that that would be their intention. They started this in October with the original submission to the Planning Commission. They came in underneath the conservation zoning associated with this area. They had smaller lots. They stayed out of all the riparian areas at this time. Through the residents and City's feedback, they have redesigned this and taken the time to make sure they had done their due diligence. Mr. Colavecchio asked if Mr. Modic has a rough idea of how much these homes are going to be listed for. Mr. Modic stated that he does not. Typically, when the homes

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come in, they go for what the market bears. Currently, Ryan Homes in Salt Creek are selling quite successfully. They're looking to bring a couple different houses. From his experience, he believes that they would start at around \$350,000 and go up from there.

Mr. Iona stated that the Planning Commission had talked about a cul-de-sac to help mitigate some of the traffic, but he doesn't see any of that in the plans. Mr. Guerra stated that they are looking at a potential cul-de-sac that would separate this development from the northwestern section of Sourek Trail. Those will be done by the time they get to the final subdivision, but it is an alternative that makes sense in a lot of ways, so they are moving forward with that as being an option. Mr. Iona asked if a cul-de-sac does go in and they have mitigated the traffic coming off part of Sourek Trail, will there still be a TIF that would take care of that part of Sourek Trail. Mr. Guerra stated that there were alternatives discussed at the Planning Commission meeting, but it hasn't been designed yet. If this does get approved, they will sit down and look at those designs, and they will be available for the final subdivision. Mr. Modic stated that, with regards to the cul-de-sac concept, if given the directive to do so, they would find a way and they would work with the City. At this time, he cannot commit to doing that. Feedback has to come from Engineering, Fire, Police, the School District and the Service Department. If the City gives that directive, certainly, they will find a way to make that happen and create that cul-de-sac. With regards to construction vehicles in the road, we would look at paving that on their way out to the south as part of the project when they are done doing that. If they create any damage beyond what they're doing, they would be responsible to repair that as part their construction process. Mr. Iona asked if there was anything they can incorporate as a buffer for the current Sourek Trail residents. Mr. Modic stated that there are a lot of low-lying brush, prickles and burrs. There are some trees out there, as well. When they are through with the clearing and development process, they will look at what they could plan back there. His experience is that after a house is constructed, they will look at the grade and how that person is impacted. He would welcome any feedback from those residents. They are working on planting evergreens, because they provide the best screening associated with that.

Mr. Brillhart asked if there is any possibility for a Phase 3. Mr. Guerra stated that if there is an expansion in two, three, four, five, ten, twenty, fifty years, they want to be able to tie into a street, so they don't have all these cul-de-sacs all emptying on one street. There are two stubs here, one going north and one going west. If there is a future development, they have to tie into it, but there are no plans at this point. Mr. Brillhart asked what type of trees they would be cutting down. Mr. Guerra stated that most of the trees aren't very large. This was, at one time, farmland. There are some big trees in the stream corridor or open space area. It's a fourth or fifth-generation forest area. The goal is to keep as many as possible. Mr. Brillhart stated that he is concerned that the stormwater management hasn't been officially turned in. Mr. Guerra stated that that does typically does not get turned in in the preliminary. The developer is working with Mr. Demasi. The City is tightening its regulations, and they're going to meet at least that or go greater. Mr. Brillhart asked if there will be mechanisms in force if that were cleared. Mr. Guerra stated that there will be, because the City may own the property or a conservation group. Overseeing that area to make sure that open space stays protected could be a small portion of that TIF money to come in

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potentially. Mr. Brillhart asked about the likelihood that there would be a TIF. Mr. Guerra stated that if it gets approved, they will start on it. In that area, there are no utilities. They have potential problems with water in some areas, and there are also some potential problems with gas lines. They need to start quickly to develop a TIF plan that identifies how potential property income will be used in the district. The Sourek Trail area from Sand Run to Smith Road would qualify, but the taxes would be on new development in this subdivision, or if somebody has a vacant lot there and wanted to build a house. The Law Department got through this process fairly quickly with Mud Brook and Mill Pond. He thinks they have enough capability within the City departments to finish a plan.

Mrs. Pyke asked how they plan on building with this footprint if they are right along the stream corridor. Mr. Modic stated that, at the Planning Commission meeting, the possibility of moving that front setback forward was mentioned. In the first plan, it was a conservation overlay that allowed for smaller lots with less house product, but with a smaller house with some setbacks, they avoid all of that. They lost eight lots and can't lose any more lots. Typically, subdivisions that have conservation areas aren't putting signs up, distributing the literature to the residents and working with the city to enforce certain mechanisms. Certain buyers don't want a yard to maintain. They want to have the beauty of the natural backyard with the trees in it. Mrs. Pyke asked if they are filling in this wetland and diverting the water to this stormwater basin. Mr. Modic stated that the wetland is downstream. It's just a small pocket of land. The pond would discharge to the south basin. Mrs. Pyke asked if this is the actual size of this existing pond. Mr. Modic stated that is correct. Years ago, someone dammed that up and built that up to capture probably a recreational pond for them. Mrs. Pyke asked if these houses have basements. Mr. Modic answered yes. Mrs. Pyke asked how they are digging out for a basement along that managed stream corridor. Mr. Modic responded that the dashed line on the plans isn't necessarily the building footprint. That line would be the deepest they could possibly build. They will have signs out there before the homes are built to identify the conservation area. When the basements are dug, the storm connection would go out from the roof drains and to the roadway, the storm sewers and then the pond that they manage. Mrs. Pyke asked if they would be removing any trees in the area. Mr. Modic stated that they will not be removing any trees in the protected area. Mrs. Pyke stated that she admired the 37.5 acres. Usually, developers say that, and it's 37.5 acres of undevelopable land. Mr. Modic stated that their original plans did go into those areas. They did have the ability to impact, and they did not. Mrs. Pyke asked if all the lots meet the quarter-acre requirement. Mr. Modic stated that they did, or exceeded it.

Ms. Nichols-Rhodes stated that, on Number 6, Stormwater Management, it says, "Meet any new stormwater policy approved by the City." She asked if that is open-ended. Mr. Demasi stated that they are currently in the process of rewriting their stormwater management policy. It will not be complete until close to the end of the year. They have hired EDG to help them through that process. That information has been shared, so everybody is well aware of the process. At this time, he doesn't know where the stormwater management policy will land. He has shared some concepts with various engineering companies throughout the area. This project's engineer has

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assured him that when they do submit, it will be exceeding the current code and probably close to where they would want it to be.

Mr. Colavecchio stated that they will take a 10-minute break, and have the public speak when they resume. Each person will have three minutes. Once the Committee Meeting resumed, a video presentation was made to Council.

Clifton Grider, 2077 Sourek Trail, spoke in opposition to the proposed development. He stated that he is concerned about the runoff and what will happen to his pond and the dams that hold when the product is run off with the dirt. His last concern is the plot issue and how do they know for sure that they are quarter-acre lots. Mr. Modic stated that the plan shows the quarter-acres lots associated with it. With regard to storm water management, they will put in silt fences, diversion swales and retention basins that are designed and approved by the City Engineer.

Mr. Colavecchio asked what the range of the zoning is for these developments. Mr. Guerra stated that R-3 starts at quarter acre and goes up half acres to an acre and a half. There can be eight-acre lots in here. R-2 starts at a half acre and goes up to eight acres. RR starts at 8 acres and stays at 8 acres. Mr. Colavecchio asked at what point of the development will any runoff adding to the amount of water in this pond or the quality of the water be addressed. Mr. Modic stated that one of the things to be implemented in the development process is stormwater management practices. All these things would be brought in and proposed as part of their plan. Those would be put in place before they start the massive earth movement. The majority of that pond is on the property of the current owner, so they are aware of it. They are planting trees on the northerly position of the property lines in order to establish these swales. They are going to capture that water, treat it and release it in a controlled manner. Michael Wolhwend, Wohlwend Engineering, stated that all of their development area on the east side is getting channeled to the two new basins on the south side of the property. All the water from the development area is not going to go north to the area towards that pond. They are capturing from the houses and the downspouts and directing it to the streets. They are swaling that area, so the whole development areas go to the south, and none of the area will be going to the north. That will be part of the final plans. Mr. Modic stated that, as discussed in the Planning Commission meeting, their construction traffic would be directed south to Smith Road.

Mr. Gary Blaine, 2190 Sourek Trail, spoke in opposition to the proposed development. He read from the local zoning code, and stated that this development does not conform to the description listed in the City's current code and could open the City up to lawsuits. He asked Council to postpone approval until a new plan is developed and meets the City's guidelines.

Brett Sacrin, 1104 West Bath Road, spoke in opposition to the proposed development. He stated that the natural beauty and the rural character of the Northampton are is one of the City's greatest assets. He proceeded to show Council a PowerPoint presentation to support his opposition to the ordinance. Melissa Sacrin, 1104 W Bath Road, spoke in opposition to the ordinance. She stated

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that she and her husband are opposing the development because it is incongruent with the zoning code in that it is inconsistent with the existing character of the area.

Dan McMahon, 2269 Sourek Trail, spoke in opposition to the proposed development. He read a statement listing the reasons why he is opposed to the development.

Andrew Holland, 2079 Sourek Trail, spoke in opposition to the proposed development. He stated that if residents were required to connect to utility services, it would be cost prohibitive. The City has potentially broken the rural character described in the zoning code. He will remain an active citizen to make sure they do not pave Northampton.

Joseph Ferrato, 2157 and 2120 Sourek Trail, spoke in opposition to the proposed development. This proposal is going to adversely affect his property. He would like the City to reserve this land for the sort of projects one would see in Bath or Richfield that attract other professionals on bigger lots. If these houses are 25 feet from his property, there's nothing to stop their Roundup and fertilizer running off and preventing his family from doing organic farming. He would like to share the developer's engineering plans with their engineer and architect planners to verify if their calculations are correct. If they need to, they will go to Summit County Common Pleas Court and plead for some other changes.

Mr. Modic stated that there is the emotion-based argument of, "I just don't want this in my backyard." There is nothing he can do about that. From a development prospective, he is not going to walk away. The City allows the zoning. There is a contract on the land. Mr. Guerra has reviewed it and found it to follow all code requirements. What he has tried to diligently do, throughout three or four hours in the first Planning Commission meeting and the other Planning Commission meeting tonight, is take these notes. They are at the preliminary plan approval. They don't get to the point of detailed engineering. They are trying to create the framework by which they need to adhere for the final plan approval with the City Engineer. Those calculations are done with factual-based things. They're brought to the City Engineer and approved at that time as part of it. With regard to future zoning and future development, he stated that these people's properties about this. They would like to leave no stubs there, but they have been asked to put stubs in there. The high point in the road that was pointed out in the video will be lowered as part of what they are proposing. He is gathering this information tonight for the final plan.

Jeff Lee, 1415 Sandhill Drive, spoke in opposition to the proposed development. His concerns included what if the protections designed to harm to the environment are not sufficient and what if the zoning rules are no longer proper for the time and environment.

Wade Rastock, 2008 Yellow Creek, spoke in opposition of the proposed development. He stated that retention ponds do fail. The CDC has stated that the second number-one killer of children age 14 and under is unintentional drowning. A significant portion of these are retention ponds. They need to think about these traps that we're building and the safety that they'll do for their

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community. Yellow Creek Road is already in terrible shape. The extra traffic is going to further destroy the road.

Al Ciraldo, 2305 Anthony Drive, spoke in opposition of the proposed development. He stated that he thinks the TIF that will deprive so much money and funding from the schools, which really need it much more than these developers need a free bill to develop the roadway.

Taylor MacIntosh, 376 N. Firestone Boulevard, spoke in opposition of the proposed development. He stated that he lives in Akron, but knows someone that lives on Sourek Trail.

Fred Conti, 2315 Sourek Trail, spoke in opposition of the proposed development. He has 26 acres there. He has lived in Cuyahoga Falls, Northampton Township since 1980. He has supported the Woodridge School System. There is a major erosion problem that's going on over there. He has signed with Ohio Department of Natural Resources and, also, the U.S. Department of Agriculture to try solving these problems. With developers denuding 60-some-odd acres and then compacting it, all of a sudden, there is a lot of water going. He, along with his neighbors, is trying to go ahead and work with the USDA on stopping the erosion. This development is absolutely, totally against what they are trying to do in Northampton. There are 88 homes. That's a lot of cement and a lot of asphalt.

Amy Mothersbaugh, 2190 Sourek Trail, spoke in opposition of the new development. Her property abuts the densest edge of their development. She is going to wake up this week with the woods gone from her backyard and, in a matter of months or years, will see six houses crammed against her property line. She has a farm and animals. She has a beautiful property. She doesn't want these six people coming onto her property. Her backyard already floods. She asked what will happen if what they're planning isn't good enough and goes wrong and asked if the homeowners have any recourse. There are 31 residents on Sourek Trail adamantly against this development. There is no accountability. This is not acceptable and not in the best interest of our city.

Mr. Colavecchio stated that this is a preliminary subdivision plat. Mr. Modic has addressed this. What the Committee is going to approve or not approve tonight is just a preliminary approval. Mr. Guerra stated that it is a preliminary approval, but, just to be clear, if they get preliminary approval, they will start cutting trees down.

Mr. Modic stated that the plan they submitted in October asked for smaller lots. They have grown to bigger lots. They increased their open space areas and preserved more of the stream corridor. They have made a lot of concessions. When they made the original submission to the City, many of the things with regard to the roadway, the stormwater management, the erosion and the density were voiced by the Administration. The current property is out there. The current owner of this property or any of these folks in here have the right to cut down their trees. A lot of them built outbuildings. They are going to capture 24 acres of land that are going to be preserved and cannot be cut. He asks that they trust the Administration, the engineers, the plan and the folks that they

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worked with on a day-to-day basis to review the standards and that they will meet the mark on what they bring in here to the final engineering plan.

Mr. Colavecchio stated that the Planning Commission voted to approve this preliminary plan by a 5-1 vote. He is a lawyer. They did get a letter from the developer's attorney stating that if they don't take the trees down in March, they will lose the building season, causing them damage. The City can be sued for millions of dollars, and he doesn't see a defense. You can't turn back the hands of time. It's zoned that the way it's zoned. The developer relied on that zoning clarification and spent money to build. It would be irresponsible for the City, at this point, to turn down a preliminary plan that will allow them to take down these trees. They have posted a bond if final approval would not go through, but it will be irresponsible, in his opinion, to subject the City to a multimillion-dollar lawsuit that he sees no chance of winning, because this is the way that it's zoned and they're entitled to build. They didn't rubber stamp it at Planning Commission. They went through the property. They asked for additional things to be done, and the developer came back with a dozen additional enhancements. Everything was done to push them to the absolute limit, and they are at the absolute limit here. If the Planning and Zoning Committee does not approve this tonight, and the developer loses a building season, the City is going to be sued for millions of dollars. He sympathizes with everyone. There are still additional steps to be taken, but the developer has to be entitled to their building season, because they have complied with everything and more to this point in time. There is still a lot more to be done, but, because of the bats there, they have to allow them to take down the trees.

Mr. Iona stated that they City went to quarter acre lots, because they were easier to sell than larger lots. In his opinion, it's a way of getting people in there, earning money and more tax dollars. It is private property. This gentleman bought the property, because they were quarter-acre lots, and he could build on them. Mr. Iona stated that while he is not happy about it, it is private property. If they don't move forward, there would be a lawsuit. He would hate for the City to spend money uselessly. Mr. Brillhart stated that this has been very difficult. He has spent a lot of time doing homework on this. It would bring in a lot of the money for the City. It's a great development. There are things that are positives. However, the thing he finds most disturbing is there's a big divide between the citizens that live there and the developer. There has got to be some way to compromise.

Mr. Iona moved to bring out Temp. Ord. A-25 with a favorable recommendation, second by Mr. Brillhart. Motion passed (2-1).

The meeting adjourned at 10:09 p.m.