

Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee Meeting
November 7, 2011

Members: Vince Rubino, Chair
Jerry James
Ken Barnhart

Mr. Rubino called the meeting to order at 6:31 p.m. All members were present.

The minutes from the October 31, 2011 Committee meeting were approved as submitted.

Legislation Discussed

Sub. Temp. Ord. B-98 (dated 11-7-11)

Discussion

Sub. Temp. Ord. B-98 (dated 11-7-11)

An ordinance approving the site plan related to construction of a 55,000 square foot/100-unit skilled nursing facility at 186 West Bath Road (Parcel No. 35-05985), and declaring an emergency.

Mr. Guerra did not have much more to add to what he presented the previous week. Ordinances typically do not indicate the Planning Commission's stipulations. They just refer to the project file number, which includes any stipulations. Section 1 of this ordinance states, "... as approved by the Planning Commission as per the plans and final stipulations contained in File P-16-11-SP..." The questions that were asked regarding landscaping will be enforced when the project is reviewed for final zoning. The developer is required to meet Code Section 1145.07 Landscaping. The City will issue a deficiency letter if anything is missing. The Planning Commission issues stipulations as an alternative to turning projects down.

Robert Gallagher, 2689 Timberline Trail, stated he represents most of the residents. He has tried to work with the residents to discuss their concerns and come up with a reasonable, consolidated list to take to the developer. He circulated the list to Council adding that most of the concerns have been addressed. He stated the residents support the program and feel it will be good for the neighborhood. The main concern from residents is that the stipulations need to be accounted for in the legislation. They want to make sure everyone does their part. They are asking that the six items and also the parking modifications be incorporated into the ordinance. For example, there is nothing in the ordinance that says anything about a mound. They would like that added. The retention basin is a different elevation and different grade. If the developer expands the development into Phase II, more residents will see the basins. He understands that the developer is looking to make an investment in the City, but there are also a lot of things the residents do for the City. They are asking for the extra consideration to put the amendments into this ordinance to make sure the work gets done.

Bob Starkey, 11366 Cleveland Avenue, Uniontown, is the attorney representing residents. The Planning Commission tentatively approved this project with some stipulations. His concern is that while those stipulations are helpful, they do not address all issues, nor have they been made a part of the record. If everything is not approved at the same time, there is failure. They have the assurances of the Planning Director that he will make sure the Developer does everything required under the Code. If the City relieves the developer of certain building requirements, the residents would like the same consideration as it relates to zoning. They want to make sure their concerns are part of the record as well. Mr. Guerra stated that the file contains the site plan, which has a mound so that means the developer is required to

build the mound. If the final plans come in without a mound, the developer is not meeting the requirements. The City tries to treat the residents of Akron the same as it does the residents of Cuyahoga Falls, however, the City's Code judges zoning only in Cuyahoga Falls as far as buffering a residential neighborhood. It does not control zoning of other cities. He pointed out that if the City strictly enforced the Code on this project, there would be a street instead of a drive, and there would be no mound because the Code does not require one. That is something the developer agreed to. The Planning Commission is satisfied with parking on both sides with landscaping. He would be looking at medium and heavy screening of two trees for 100 lineal feet and a minimum height for shrubs of two feet. He would like them to put in an oversized retention basin in case the rest of the property is developed. The basin would also help with the downspouts that dump onto the property from High Hampton. The developer has agreed to plant additional trees if they are needed. If it is decided that requirements are needed on parking and permits for parking, then Council should deny this plan and send it back to the Planning Commission. The City has a Planning Commission for a reason and that is so Council doesn't have to negotiate with 50 to 60 people. The developer has said he will work with the neighbors.

Steve Krutowsky is the developer. He received five emails with a list of 10 to 15 items that concern and frustrate him. He pointed out that he is dealing with the Planning Commission of Cuyahoga Falls. He does not want to deal with a planning commission of High Hampton. He does not understand why anyone would request that his employees have parking permits. Also, most visitors will be elderly so parking needs to be as close to the doors as possible. The residents have asked that he plant 125 trees of Black Hickory and Black Cherry in areas that do not affect anyone. He has agreed to 94 Colorado Blue Spruce along a mound. The Home Owners' Association agreed with that and he agreed with that. The next day, he is told the residents want hedges around the retaining pond. He agreed to a fence. He is trying to work with the residents but he can only work with one governmental body, and that is the Planning Commission of Cuyahoga Falls. He has agreed to what is on the plans, what is approved, and the rules and regulations that govern in Cuyahoga Falls. If five trees are needed to buffer someone's home, he will do it but he does not know where that is today. The retention pond is to be built for a second phase. Everyone is present today to discuss the first phase. He needs to get underway because of weather conditions. When the building is up, he can see what is needed as far as trees. If the neighbors feel he is trying to do something detrimental, he's not. He is hoping to get this resolved this evening.

Mr. Gallagher stated he is sensitive to the urgency to get this done. He had slimmed the list down to things that fell within the Development Code. There were seven. All they are asking is that they see the agreements in writing. They do not want to circumvent the legislative process. The issue they have with parking is there are a number of senior citizens within 30 feet of the property line. They are trying to limit people coming off a shift. They do not feel this project will add to the value of their properties. They feel they've come to a reasonable compromise. He added that Mr. Guerra has been very respectful, and felt he has a tough job being stuck in the middle.

Mr. Starkey stated Section 1113.12 of the landscaping plan states that a tree inventory must be submitted with all preliminary plans. The only exception is if you do not know what the land is being used for. A landscaping plan is paramount to his clients. The purpose of the Code is so people have comfort in what is adopted. Mr. Guerra stated the tree inventory was done the first time around. The Code says to draw a ring around the building and then cut down the trees inside that ring. This site was difficult because of the wetland area. Most of the large trees are in the back area where they were not going to develop. With the new site plan, the City did not require a new inventory. The Planning Commission approves the landscaping plan based on the Code and the developer is required to include it in the final plan. Mr. Guerra will then compare the plan to the final zoning certificate to make sure the plan includes everything that was approved by the Planning Commission. He will also look at the screening. He agrees with the neighbors that there must be screening on the end and around the retention basin. It makes more sense to put landscaping at the front vs. at the edge. The developer is going to do as little grading as possible and

will do only enough to get the project done. The developer also must put down a landscaping bond. If the landscaping is not done correctly, the City will use that money to make the necessary changes. They are trying to get through the issues. Everyone needs to have faith in the Planning Commission and staff.

Mayor Robart stated that Mr. Guerra has expressed his willingness to work with the neighbors and homeowners. He feels it is counterproductive to get involved in renegotiating site agreements. This is a \$10 million project that will bring in construction jobs, 100 full-time positions, utility payments, and \$270,000 a year in taxes, most of which will go to the schools. This project needs to move forward. He urged Council to pass this ordinance.

Mr. James moved to bring out Sub. B-98 with a favorable recommendation for a vote this evening, second by Mr. Barnhart. Motion passed (3-0).

Meeting adjourned at 7:15 p.m.