

**Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee Meeting
February 1, 2010**

Members: Vince Rubino, Chair
Jerry James
Ken Barnhart

Mr. Rubino called the meeting to order at 6:37 p.m. All members were present.

The minutes from the January 19, 2010 Committee meeting were approved as submitted.

Legislation to be Discussed:

Temp. Ord. A-1

Discussion

Temp. Ord. A-1

An ordinance authorizing and approving the Nicki's Walk RM Master Development Overlay Plan at 4610 State Road (Parcel 37-00002) and declaring an emergency.

Mr. Guerra gave a slideshow presentation. They have been working on this project for five years. It includes Brownfield money from the State. The City received a CORF grant in 2009 for \$1,827,722. The cleanup will occur in 2010. The problem is lead from the bullets from the gun club. They will clean the surface soil and pond sediment. The front of the property is zoned MU and the back of the property is R-3, which are 1/4 acre lots. There will be a yield analysis plan and a conceptual design plan before a final master plan is developed. That final master plan will come back to Council with recommendations by the Planning Commission. The development will be for those aged 55 and older and will include housing units, a community center, apartment building and congregate care building.

Michael Frankus stated single family structures for people in wheel chairs over 55 are not ideal. They are focusing on cluster homes that provide base services which will be covered in the rent. The services include housekeeping, linens, transportation, activities and a wellness program. There will also be optional services available through a home health agency which would include medication administration, specified nursing services, assist with activities of daily living (i.e., dressing, showering, etc.), ongoing case management and availability of durable medical equipment.

Joe Beirne stated this is one of four communities in the area. Each ranch home would be approximately 1,200 s.f. and have a 2-car attached garage. Pets would be allowed. There will be walking trails, a social center, a community garden and fishing. They are also planning for a small fitness area in the community center. Mr. Guerra stated what makes this different than the typical subdivision is design control, more open space and the overall density, which is 5.6 units per acre. The Planning Commission recommended approval with six stipulations. He added that the units will not have basements because of the soil type.

John David Seal, 3337 Reserve Dr., is a Planning Commission member. He stated he had an opportunity to go to Laurel Lakes and visited with Kathryn Chadwick Cook who explained what to expect with this type of development in the community. Laurel Lakes has 66 villas, apartments, a community center, and an assisted and skilled nursing facility. They have 429 residents and are at 97% capacity.

Mr. Guerra explained the zoning surrounding the property. The property is 30 acres. There is a strip of land that is zoned R-3 that is up against R-1. This development could never go past R-1. It would be possible for the developer to purchase the strip of land, but that must come back to the Planning Commission and Council for approval. Mr. Mader asked about the nursing home. Mr. Guerra stated that the nursing home can continue indefinitely as a nursing home. If it later sold its property, development on that property would be 1.5 acre lots.

Mrs. Colavecchio asked for an explanation of the entrance and the number of parking spaces for commercial. Steve Sitka stated they moved the building forward and realigned services. Parking increased by ten spaces but maintained it in front with additional parking in back. They wanted to add the additional parking because the building has the ability to expand. Mrs. Colavecchio asked about the rent for a single-family unit. Mr. Powers stated it would be around \$1,295. They are trying to keep it as stable as possible. The cost includes the amenities. If someone needs additional services, those are available ala cart. Mrs. Colavecchio asked if the convalescent building was all skilled nursing beds. Mr. Frankus stated he has no plan to have skilled nursing. It is a multi-family, single story, 29-unit building with a main dining room and commercial kitchen and lounge area. It is attached to the multi-family building so they can contract for food service as well. The units would have a bedroom, living room, mini kitchen and full bath. Mrs. Colavecchio asked what the average rent would be for one of those units. Mr. Frankus stated it depends on the services. The smaller units would be approximately 800 s.f. The difference between the two buildings would be larger units. There will not be a dining room or commercial kitchen in the apartment building. The single-floor cluster homes would have the highest rent, the multi-family apartment would be less and the units would be larger than the congregate units. This will be a Continuing Care Retirement Community (CCRC) with units from independent living to assisted living. There is a point where CCRC wants to move it from assisted to skilled. He is trying to keep people in apartments without going to assisted living or a nursing home, which can be very expensive. This type of community does not exist right now in rentals.

Mrs. Colavecchio stated there is also a gas well that will be plugged. Mr. Guerra stated that as part of the grant agreement, the property owner must plug it. Also, CORF requires that jobs be required within three years. Mr. Walters asked if the overall contamination was limited to this site. Mr. Guerra confirmed it was limited to this area. Mr. Walters asked whether this development would be served by Station 4 or 5. Mr. Guerra stated he did not know. Mr. Walters stated there would be more calls than a regular allotment with the number of people. Mr. Guerra stated that as people start aging out, there will probably be more calls than a typical subdivision. He added that there is less cost to cities and schools to move to an elderly community. Mrs. Pyke asked if there were curbs. Mr. Guerra stated there were. Mrs. Pyke asked about on-street parking. Mr. Guerra stated that the parkway does not have any. The loop street is a typical street. Each house has room for two additional cars. Mrs. Klinger asked about parking for the two buildings—congregate care and multifamily apartment. Mr. Guerra stated that the development must meet the City's parking standards. When they build that building, they will have to come to the City for site plan approval. They will have to meet the City's standards. Most people in the apartments will have only one car. Mrs. Klinger asked about the trail to and from the Cuyahoga Valley National Park. Mr. Guerra stated that is a future use. Mr. James stated that the streets are public streets but asked who would be responsible for the multiple trails and bike trails. The streets and sidewalk will be in the right-of-way so those would be the City's responsibility. Everything else is the developer's. Mrs. Pyke asked whether the sewer system can handle the development. Mr. Guerra stated it could. Mrs. Pyke asked if the lake could handle all of the run-off since there is no storm sewer system. Mr. Guerra stated that the City looked at it and Campbell & Assoc. looked at it. The pond is on the low end of the property. There will be calculations which will be done at subdivision approval. Mrs. Pyke asked if it was a spring-fed pond. Mr. Guerra did not know. They will find out when they empty it.

Mike Bataglia, 4779 Quick Road, stated if this was a senior development, he would like there to be language in the deed or somewhere in case the developer sells it in the future. There needs to be something that would require the new owner to continue it as a senior development. He said if you take the "senior" away, what's left is a high density rental apartment complex. Regarding the trails in the back of the property, those trails terminate at his property. Also, on the Quick Road side, there is a road that stubs at the Buckeye property. He asked if it would be possible for the developer to purchase the nursing home property to expand the development. Mr. Guerra stated that the skilled nursing facility can never be part of this development. These are CORF funds for problem properties that have no ability to get developed.

John Weniger, 1481 Bellaire Lane, stated that the units are for 55 and older. There needs to be a hardcore feel on how many are 55 and older. He asked what would happen if the heads do not come. He also stated since the retail piece is for supporting a goods store for senior citizens, that portion needs to be out there in front. That is more likely to bring people in. Also a barber shop, beauty shop and/or coffee shop would be attractive to seniors. But what if the retail does not come. Regarding the pond, on the north side of the pond, the cemetery caretaker stated that for two to three weeks, the pond encroaches onto graves during the thaw.

Bill Crooks, 508 Chart Road, asked considering the economic condition of the City, could the developer be required to use City residents to do the construction. Mr. Guerra stated there is nothing to that effect at this time. The environmental work will be bid out. The developer will use local labor but there is nothing required at this time. Mr. Crooks requested that it be considered.

Mike Wohlend of Campbell & Assoc. stated that the existing pond is on the center of the property. Most of the property drains to the pond. There is also a pipe. The intent is to have all storm water drain into the pond. They will also design an emergency plan in case the area is hit by a 100 year storm.

Wade Clark, 4578 Quick Road, asked if they took into consideration the effect of water flow into the cemetery and the problems that may occur. Mr. Wohlend stated that due to the topography, the emergency outlet would be lower.

Mrs. Hummel asked about the commercial plans for the front of the property and pointed out that Hidden Lakes was to have had commercial as well. Mr. Guerra stated it is the intent to create a more integrated and walkable neighborhood. Their goal is to build it as soon as possible. Mrs. Hummel asked as the development moves along and they find no need for the commercial portion, would there be a change in the plan for additional residential units. Mr. Guerra stated the developer would have to come back to the City. Right now, it says there must be a commercial building on that site. Mrs. Hummel asked if it was the intent to have a certain percentage of the residents age 55 and older. Mr. Guerra stated that federal law allows you to discriminate for age if it is 80% or higher. They do not think they will have a problem. Mrs. Hummel asked if there will be something delineated in the deed stating who the residents are. Mr. Powers stated they could explore that option. Mr. Mader stated there have been deed restrictions in other developments. He would be of the opinion that it would not be a bad idea to implement those in this project to alleviate the concern. He requested that that be checked out with the legal department. Mr. Arrington stated he would do some research. This is just the first part of the process. There must be a subdivision plan, site plan, and more steps before people start building things. What we are doing tonight is a rezoning. Mrs. Klinger stated there have been situations where Council has approved an apartment complex and it never happened. Mr. Guerra stated the new Code says you either do this or you do not do it or you have to come back. What you see here is how this will be developed. Mrs. Klinger asked if language could be added to the ordinance for a senior restriction. Mr. Arrington stated he wants to look at the law but thought it probably could. He wants to make sure we don't put something in that exceeds our

authority. Mrs. Klinger asked if that was a condition that would allow Council to turn it down in a future step. Usually, the reasons Council is allowed to reject a plan are narrow. If Council can reject it tonight for that reason, it can reject it later. Mr. Beirne stated they have no problem as long as it is legal to put it in. Mr. Arrington stated he will draft language as a condition that will satisfy this issue and if there is a question down the road whether it is legal, it can be addressed at that time. He will prepare a substitute for next week.

Mrs. Pyke stated she liked what they were doing and she likes it for 55 and over. Mrs. Klinger agreed with Mrs. Pyke. She is excited to see this come to this community.

Committee recommended bringing out Temp. Ord. A-1.

Meeting adjourned at 8:30 p.m.