

Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee Meeting
July 20, 2009

Members: Diana Colavecchio, Chair
Kathy Hummel
Ken Barnhart

Mrs. Colavecchio called the meeting to order at 6:20 p.m. All committee members were present.

The minutes from the April 6, 2009 and July 6, 2009 committee meetings were approved as submitted.

Legislation to be Discussed:

Temp. Ord. B-53

Discussion:

Temp. Ord. B-53

An ordinance amending the Planning and Zoning Code, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls and declaring an emergency.

Mr. Guerra reviewed the scenarios of how certain developments would look if they were built under the new Code. He stated that Hampton Ridge originally came in with 140 units and ended up with 110 on 85 acres after meeting with the Planning Commission. Under the Code, a builder must stay within the R-1 requirement that states a lot size must be 1/2 acre or greater. The developer must go through a process to determine the number of lots. Mr. Walters asked if the term "buildable" was redefined in the new Code. Mr. Guerra stated that the Yield Plan determines what is buildable and what is not. A stream corridor area could be in a backyard. A house could not be constructed on it but you could put porous pavement or an outbuilding there. As far as a strange lay of the land, if the property is on the side of a hill and it is not in a stream corridor, it is buildable. Mrs. Pyke asked about the reference to open sales and how it would apply to a particular property in her Ward. Mr. Guerra stated that he needed to find out from the conditional permit how it was set up. The previous owner was repairing cars but not selling them. The intent of MU-2 is for neighborhood retail and service. If the property owner can say he is operating a repair business on vehicles for people in this neighborhood, that would fit. Mrs. Pyke asked whether a used car lot was a neighborhood business. Mr. Guerra did not think so. He added that in order to qualify for open sales, the property must have 300 feet of street frontage. A corner lot would take into account the frontage on both streets. Mrs. Pyke asked where conditional permits were kept. Mr. Guerra stated they are in the file. He also stated that if a property is vacant and no attempt has been made to sell or lease it for one year, any conditional permit that had been in place is cancelled, and the requirements under the new Code will be in effect. As far as the Chestnut property, he would have to see if it is actively marketed. They put that clause in for things such as this. If someone has an industrial building and the market is bad and they have the building listed with an agent but cannot get it sold or rented out, that property owner should not be penalized. Now, if a property owner has closed up shop and has done nothing to market the building, the City need only wait 90 days before revoking any permits. The building would have to be actively marketed otherwise the City will be making a judgment call. Mrs. Pyke asked Mr. Guerra to confirm with her that the Chestnut lot cannot be a used car sales lot. Mr. Guerra stated unless there is something in the file that says the property received permission, it cannot. He will have to find out. Mrs. Pyke said she had a couple of lots in her Ward under 35 feet wide with mowers, toys, bicycles, etc. laying around the yard. She would rather see a metal shed on the lot than all the stuff. She is concerned about requiring smaller sheds to be masonry or wood. Mr. Guerra

stated the requirement kicks in after 25 s.f., which is a 5x5 shed, but they could change it to 80 or even to 60. Mrs. Pyke didn't think it should be any larger than 80 s.f. An 8x10 shed is a decent size. Mrs. Colavecchio asked Mr. Guerra if he had a chance to review the July 19 letter from Wade Park. Mr. Guerra stated he had. The majority of that letter just listed different viewpoints. It had a good suggestion for when a parcel is in two zoning districts to use a ratio versus using the larger district. Mr. Guerra did not see anything drastic that would change the intent of the Code. Mrs. Hummel asked about easement ownership by a condominium association. She did not believe the City allowed condos in the classification listed in the letter. Mr. Guerra stated in smaller conservation developments, there could be condominiums. Mr. Guerra also explained how the tables were numbered and that the tables that were missed in the renumbering process would be corrected. Mrs. Pyke asked if the minimum required width of a street changed. Mr. Guerra stated it did not. Mrs. Hummel asked if there was a requirement for the distance between clusters in a development. Mr. Guerra stated each lot must be within 500 feet of an open space area, so if there was a lot of acreage, the developer would not be permitted to put all of the homes on only the front part of the property. Mrs. Klinger thanked Mr. Guerra for putting together the example of how current developments would look under the new Code. Mr. Rubino stated that someone in the audience had a question about an article that appeared in a recent newspaper. Mr. Guerra stated the article was in the *Falls News Press* and talks about conservation development and says that the City's regulations will be more specific now than they were for conservation development. Mr. Mader thanked Mr. Guerra and the Planning Commission for all of the hours they put into the new Code. It was a long time coming with all of the issues that arose in the developments that took place in Ward 8.

Mrs. Colavecchio stated she would like to hear from other Committee members on whether to hold this legislation until after the recess for further evaluation. Mr. Guerra stated that was fine but if any new developments come in during Council's recess, the old Code would apply to them. Mrs. Hummel stated she was fine with the new Code. The tables were the only thing that concerned her but Mr. Guerra has explained those. Mr. Guerra stated his goal was to make the changes to the Code this week and have the revised copy to Council for next Monday's meeting.

Committee recommended bringing out B-53.

Meeting adjourned at 7:10.