

Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee Meeting
April 16, 2007

Members: Kathy Hummel, Chair
Tim Gorbach
Ken Barnhart

Mrs. Hummel called the meeting to order at 6:15 p.m. All members were present.

The minutes of the April 2, 2007 committee meeting were approved as submitted.

Legislation Considered

Temp. Ord. B-11
Temp. Ord. B-37

Discussion:

Temp. Ord. B-37

An ordinance approving a map amendment for 753 and 755 Howe Avenue (Parcel Numbers 02-15875, 02-15876) from R-5 Moderate Density Residential to C-1 Commercial District zoning classification, as more fully described and depicted herein and declaring an emergency.

Mr. Guerra stated this was a rezoning of R-5 to C-1. It involved the Trinity United Methodist Church property on Howe Avenue. He stated the Planning Commission recommended approval with five findings of fact. He stated there are pockets along Howe Avenue that are not commercialized. Long-range plans say that the area should be commercial. He also indicated that when it comes time for the commercial development, those plans will come back to the Planning Commission and to City Council for approval. Currently, they are proposing a drug store and some retail space.

Robert Leary, 730 Magnolia, stated he owned the property immediately behind the playground. He was concerned about the proximity and noise should a Walgreen's be built because those are generally operated 24 hours a day. Mrs. Hummel pointed out that the only issue before Council today was the rezoning and nothing definite has been decided as to the specific commercial development that will be constructed. Mr. Guerra added that one of the possible tenants could be a pharmacy but he does not yet know for sure. Mrs. Hummel asked about the buffering between the property and current residents. Mr. Guerra stated it calls for heavy buffering. There would be a six foot solid fence and ten feet of landscape.

Merril Lovelace, 742 Magnolia, stated that City requirements indicated that only homeowners within 200 feet of the proposed site shall be notified. He felt that with the number of people who live on his street, more of them should have been included in the notification. Mr. Guerra confirmed that the requirement was 200 feet from the property and that 25 notices were sent out. Mrs. Hummel also pointed out that notices were posted at the church. She said she would pass Mr. Lovelace's concerns on to the Planning Commission in terms of the number of feet required for notification. Mr. Lovelace stated he is strictly opposed to this project. He felt there are enough businesses on Howe Avenue and that they did not need to build something new.

Wilbur Leas, 754 Magnolia, stated he is against this legislation. He is concerned about the apartments who will be cut-off. He felt there were enough drug stores and restaurants in the area and does not want to see the area turn into another "State Road".

Debbie Ritzinger added that some residents also have concerns about the property and the mine that was there many years ago. Mr. Guerra stated that the developer is aware of the soil conditions and that they will take appropriate measures.

The Committee recommended bringing out B-37 for approval.

Temp. Ord. B-11

An ordinance accepting the Planning Commission recommendations, findings and conditions for the Heritage Ridge Regulatory/Development Green Overlay Plan and declaring an emergency.

Mr. Guerra referred to a handout describing the year-to-date timeline of the project, which started in December, 2005 and ends with the approval of the Planning Commission in January, 2007. During that time, there were many meetings and work sessions. The proposal began with 152 units and is now at 110 units that are to meet a minimum 3-star subdivision and 5-star home rating. The lots vary in width at 55', 75' and 100' wide. Mr. Guerra referred to a chart showing the density of various subdivisions built in North Hampton in recent years. The Heritage Ridge subdivision indicates 1.29 units per acre. The zoning will remain R-1 but will be renamed R-1G which indicates green overlay.

Mr. Mader inquired as to the acreage. Mr. Guerra stated it was 85 total acres of which 49 would be considered buildable acres.

Rob Benjamin, Vice President of Heritage Development, spoke on behalf of the developer. He introduced the other team members: Dan Neff and Brian Uhlenbrock of Neff & Associates who is the architect; Richard Bancroft of Drees Homes; and Steve Funk, Roetzel & Andress, Legal Counsel. Terry Bove of Bayard Crossings who is the development company for Howard Hanna of Pittsburgh, was not present. Mr. Benjamin stated the development will be 58% open space. Over the course of planning, the number of units have gone from 152 to 110. They also reduced the number of cul-de-sacs from nine to three.

Brian Uhlenbrock stated the last revision was from 125 units to 110 which was the biggest change. Most of the previous revisions involved enlarging lot sizes. They also reduced the impervious surface by an additional 15 percent. They will put buffers along Quick Road and between the property and the existing houses, and have eliminated one of the entrances on Quick Road. Also, changes have increased overall open space from 52% to 58%. With regard to lot size, City Code requires 50'. The proposed lots are 55' 75' and 100' wide. Frontage is 55' (Code is 50'). They are also within Code requirements with regard to front, rear, and side yard setbacks.

Mr. Benjamin stated they wanted to give people options on their choice of a house style and will provide three different models. They feel that young adults and elderly would be interested in the cluster homes and medium-sized homes while the larger homes would be desired by families with children. He stated that 90 percent of the lots will backup to open space. Mr. Uhlenbrock pointed out a green overlay allows you to shrink lot size.

Richard Bancroft of Drees Homes, Ft. Mitchell, KY, gave a brief history of his company. He stated this plan came recommended from the Planning Commission and he would like to see it approved.

Kim Hoover, Woodridge Circle, inquired whether anyone on the developer's team checked the statistics on the increase of vehicular traffic and also the number of children as would impact the school system. Mr. Benjamin stated he did not have those figures with him but did not feel the numbers would increase too dramatically.

Mike Battaglia, 4779 Quick Road, wondered how the developers could propose a 110 unit housing development without taking into account the impact on traffic and schools. He questioned whether Heritage Homes had ever been cited by the EPA. Mr. Benjamin indicated to his knowledge they had not. Mr. Battaglia stated he had found an article while researching the internet that stated Heritage Homes had been cited on a project in Bainbridge. Mr. Benjamin stated that was a project with McGill Properties Group and that Heritage was no longer affiliated with McGill.

Dean Smith, 4669 Quick Road, stated a sustainable development should be done with as low impact on the environment as possible and that open space is used as a buffering tool. In a properly designed open space development, most dwellings are surrounded by trees, and lots are placed in such a way where there is low visible impact. Also, the most successful developments leave 80-90% open space. The lots in Heritage Ridge are 1/2 acre or less with no buffer between them or across from them. He also has a concern about the impact that over-lotting will cause in the school district. Specifically, if the cluster and medium-sized homes are being geared more toward single people or the elderly, those individuals are not known to be in favor of school levies. He is against this proposal. He would not accept any more than 74 homes and we are now at 110.

Mrs. Klinger stated a lot of people are concerned about the density. When this Code was given to Council, the chart showing changes in density was not included or she would not have approved it. She does not like the level of density of this project. Base zoning would be 57 homes and if you add a 25% bonus, it would be 72 homes. She stated it was never the intention of the Code to have a bonus equaling 92% as in the Heritage Ridge project. She does not support this project in its current form; however, she would support an amendment to reduce the density.

Mrs. Hummel stated it was her understanding that the developer was going to be requesting relief from the 5-star level. Mr. Funk indicated it was something they planned to work out through the subdivision process. Mrs. Hummel disagreed with that and stated it needed to be worked out tonight.

Wade Clark, 4578 Quick Road, stated he lived adjacent to the property being developed and had two major objections with the project: (1) failure to meet the intent; and (2) failure to meet the planning criteria that green overlay requires. As it now exists, current R-1 zoning would allow 57 units to be built upon the property. A 3-star subdivision gives a 68% density bonus. At 110 units, it calculates to a 98% bonus. The increased density is based upon performance. He has not found any other community that gave a bonus of 92% or even 68%. He felt the maximum bonus for that property should be 25%. He also stated the statute required permeable material be used. The current plan requires asphalt, which is not permeable. He also did not feel the plan incorporated LEED standards. He also felt that the inspector for the project should be selected by the City and not the developer and that issues other than just the star rating be included in the inspection. He does not support the project as proposed but would support an 8%, 10% or even 25% bonus, but not a 68% or 92%.

Nancy Ciraldo, 4819 Quick Road, pointed out that every time someone asked the developer a question about specific numbers, they could not answer. When she built her home, she was required to build 25' from the property line on both sides of her house, and 50' for her barn. This project requires only 5'. She also stated the traffic on Quick Road is already hazardous and feels adding 110 additional units would make it more so.

Bill Miklos, 4716 Quick Road, stated the property is mostly hills and steep grades. He wondered how the developer was going to protect the wetlands with storm water. The more land you strip to build the homes, the more water will flow down the hills. It is his opinion that the development is not even close to Code.

Eric Wiley, 3969 Bellaire Lane, stated there are gullies that surround the development and wanted to know what assurances will be provided that run-off will not damage the lake.

John Whitaker, 4081 Bellaire Lane, stated he spoke with many neighbors and has not found one person who is in favor of this development. The density is outrageous. He wanted to know who would be responsible should the dam be breached. He produced articles where problems arose after Heritage developments were constructed. He felt the City should be cautious about who it works with when it does its first green overlay. He added that the Northampton/Cuyahoga Falls Merger Agreement was still in effect and stated in order to preserve and protect current characteristics, the rural character of Northampton would be retained. Mrs. Hummel asked with respect to the dam who would be responsible for controlling run-off. Mr. Guerra indicated that goes to the subdivision process of the project and is looked at by the City engineering department, U.S. EPA and Army Corps. who will all look into possible storm water issues. If that is breached, at this point he cannot answer who would be responsible. Mr. Arrington indicated it would be his opinion that whoever owned the land and the dam would be the entity responsible for protecting the area and repairing any damage.

John Lynett, 283 Crawford Circle, stated he is not comfortable with a two-tiered structure where a bonus is multiplied by another bonus. He would be in favor of this project if the current bonus was cut to 25%.

Lou Ciraldo, 4819 Quick Road, is concerned about the high density. He has not yet heard any benefit to this development going in and wanted to know what benefit is provided to existing homeowners.

Mr. Funk indicated they wanted approval of a green overlay district which is permitted use under the City's Code. He stated there is no minimum or maximum in the Code for measuring LEED and green overlay bonus. Basically, if you want 110 units, you must meet a 5-star home rating. If you cannot attain the 5-star rating, there would be adjustments needed by the developer. Everything has to be approved by the Planning Commission as well as City Council. Details would be worked out through the whole process and they will need to meet high levels of storm water management. They are asking for Council approval so the process can continue.

Mr. Mader indicated this has been an extensive process by both the Planning Commission and City Council. By far, density is the biggest issue. There are still 1,000 of developable acres in Ward 8, and residents want to keep the "country" atmosphere. The merger agreement states the lots would be a 1.5 acre minimum. A problem that has arisen in recent developments is the density bonus issue is too loose and, therefore, needs to be addressed when the City amends its Code. He stated there needs to be a ceiling cap on density bonus. He does not support the project as presented but would support a maximum 25% bonus.

Mr. Gorbach indicated that a lot of information has been given and suggested that the legislation be held so that Council members can have an opportunity to review the information in detail.

Mr. Walters asked what would happen if the development did not meet the 5-star criteria. Mr. Guerra answered that the number of lots would then be reduced. If they build at a 3-star level, it would work out to 74 units. If they build houses in a separate green community, it would get increased. A 2-star level and green community would be 89 units. Mr. Walters asked if it was a stipulation that this development be 5-star homes. Mr. Guerra indicated the recommendation was 3-star. Mrs. Hummel indicated that the

reference to the chart provided to the planning commission allowing the number of units to be 110 is not part of the Code but rather it is part of this file so Council can make whatever adjustments it chooses.

Mr. James stated he agreed with Mr. Gorbach that the legislation be held due to the amount of information given. He felt the opinions of the residents being impacted needed to be taken into consideration.

Mrs. Pyke asked if the Planning Commission was aware it approved this development for 110 units. Mrs. Hummel stated the Planning Commission approved the project with an amendment requiring a 3-star subdivision with a 5-star home rating level and that no verbiage as to 110 units was made.

Mrs. Klinger requested a copy of the minutes from that Planning Commission meeting. Mr. Guerra indicated he would get those to her. Mrs. Klinger indicated when approving the Code, it was never her intent to create bonuses multiplied upon bonuses and would like to see an amendment with the density lowered on this project. She requested that the first stipulation of the Planning Commission be changed from “[a]ll attainment levels will be certified by a qualified independent third party....” to “all attainment levels shall be certified....” [emphasis added.] She stated that a 10% bonus would allow 63 lots; a 20% bonus, 69 lots; and a 25% bonus 72 lots.

Mrs. Pyke asked if she voted in favor of this project, would she be approving the chart or approving a 3-star community with a 5-star home rating. Mr. Arrington indicated she would be approving the file and that the table is part of that file. His recommendation to Council would be rather than vote on the Planning Commission file, to craft an amendment as to what Council would want. Mrs. Hummel indicated that would necessitate holding the legislation. Mr. Barnhart agreed.

The Committee recommended holding Temp. Ord. B-11.

The meeting adjourned at 8:17 p.m.