

Cuyahoga Falls City Council
Planning & Zoning Committee Meeting
April 21, 2003

Members: Mr. Schmidt, Chair
Mr. Walters
Mrs. Klinger

Mr. Schmidt called the meeting to order at 6:15 p.m. All members of Committee were present.

The minutes from the March 17, 2003 Planning & Zoning Committee meeting were approved as submitted.

LEGISLATION CONSIDERED

Temp. Res. No. B-70
Temp. Ord. No. B-71

DISCUSSION

Temp. Res. No. B-70

Mr. Schmidt read B-70 (second reading). Mrs. Truby stated the City was approached by developers to annex 70 acres in Tamsin Park plus an additional five acres, all within Boston Twp. Boston Twp. would like to enter into a JEDD, with the annexation being a part of the JEDD agreement. This is the first step in the annexation process and does not bind the City in any way. Should this move forward, these are the services to be included. Summit County must consider and approve the matter. This annexation will provide the City with \$4 million in water and sewer revenue, retire debt on high water charges, increase the City's population and provide the City with ongoing utility income, property taxes and will add new homes in the Hudson School District.

Attorney Jim Fisher was present and stated the proposal has the property being developed as a cluster housing development. They drafted an agreement and presented it to the Boston Township Zoning Commission. They came up with a proposal for Tamsin Park to be annexed to Cuyahoga Falls. People in the development would be electors in Cuyahoga Falls. The other half of the proposal is the JEDD Agreement which would run along old Route 8 and will include the commercial properties. He feels this is a win-win situation for all parties.

Laura Danovi was present representing the Developers. They signed a purchase agreement on April 4, 2000. All of the partners are Hudson

residents. DLZ is the engineering firm they will be using. They plan to keep and maintain the area in its present lay-out as much as they can. Their plan includes 280 homes but it may be reduced to 250, and the zoning would be R-8. The land will be divided with 30% for open space; 20% for right-of-way and 50% for home sites. They plan to begin in the Fall, 2003, and will start building homes in the Spring, 2004. It will be a five-year build-out: 50 in the first year; 60 in the second; and then 50 in the remaining years. They are requesting an extension of service. at their expense, from where the utilities end to their development.

Attorney Al Schrader was present representing the Township Trustees. He stated that the City and Township boundaries overlap and that people in that area vote for City and Township officials and issues. They are concerned that, without the annexation, there is such a large number of homes in this new development that those residents would have great influence in elections and issues that are important. For example, since the development would receive fire service from Cuyahoga Falls, any issues concerning the Valley Fire Department, which serves the Township, may get defeated because the development does not have an interest in the Valley Fire Department. Mr. Schmidt stated that problem could be alleviated if they kept Boston Twp. fire service for the development. Mr. Schrader agreed it would for that particular issue. He pointed out that they are not present tonight as much in favor of the annexation as they are for getting a JEDD. Absent a JEDD, they would oppose the annexation. Virgil Arrington faxed an offer on April 15. As long as the Township will get a JEDD sharing income taxes and property taxes and an agreement stating such, they would not oppose the annexation.

Randolph Bergdorf, one of the Trustees, stated that the Route 8 corridor is their last remaining major property. This parcel is 96 of the 800 acres. They are trying to lay all their cards on the table and got all of the information to the City it will need to decide this issue. Mr. Schmidt pointed out that Cuyahoga Falls could provide services to the land without annexation. Mr. Bergdorf stated that the original plan was to go for a CETA without a JEDD. A CETA with a JEDD was never discussed.

Mrs. Klinger asked why we are considering zoning the property as R-8 when the land to the south is R-1. Mr. Guerra stated that the density is greater. They can vary a little more with an R-8. The ravines and the water make it difficult to lay out a grid. He stated that newer developments that are zoned R-2 have 1/2 acre lots. Mr. Schmidt asked about the size of the proposed lots. Alan Mavriees stated they would be 5,000 square foot lots at approximately 50 to 60 feet wide. They would be approximately 60 x 60 but may vary because of the lay of the land. Mr. Schmidt asked if the property was ever considered as an industrial park.

Mr. Mavriees stated it hasn't while he has been involved with the project. He stated the dwellings were two and three bedroom units with between 1,600 and 2,400 sq. ft. Mr. Walters asked where the Valley Fire Department was located. Mr. Bergdorf stated it was at Route 303 and Riverview Road.

Mr. Potts stated that the funds the City will receive from sewer and tap-in fees would go into the Ward 8 area for improvements which are desperately needed. If we could service this area, we would have water on every street on the east side of the Valley. He feels the City would have the best control over the utilities if the area were annexed. In addition, Mr. and Mrs. Krutee have asked to be included in the plan for utilities and safety forces. Also, this is the only possibility for the City to expand again.

Mr. Gorbach stated he has no reason to believe that the JEDD would not happen but wondered if the Trustees have thought about the possibility that the JEDD would not come about for whatever reason after the annexation had already taken place. He stated there is no language in the legislation linking the annexation to the JEDD. Mr. Arrington stated this is the first stage. This resolution does not bind the City to approve the annexation. If it passes, it goes before the County in the middle of May. The County has to approve or disapprove it. If it is approved, it comes back to the City to pass an ordinance or resolution to accept or reject the annexation. We would have 120 days. At the end of that time, he would either tell Council they came to an agreement or that they did not. Mr. Schrader suggested amending the ordinance to make the annexation contingent on a JEDD agreement. Mr. Gorbach stated it was whatever the Township's comfort level was. Mr. Arrington stated this was just a resolution of intent to provide services. It would be premature to connect this and make it depend on a JEDD agreement. Mr. Gorbach discussed the CETA with a JEDD issue. He did not know if the additional cost for Valley Fire to service the 96 acres would be viable or not. He just thought it was an interesting idea to tie a CETA with a JEDD.

Denise Leipold stated that the Krutees were her parents. They have been part of the Falls for many years. They have never had standard police protection and think it is very important to get it.

Mr. Krutee stated he is interested in police and fire protection.

Committee recommended holding B-70.

Temp. Ord. No. B-71

Mr. Schmidt read B-71 (second reading). Mrs. Truby stated that Ordinance 129-2002 authorized the CIC to act as the City's agent in the sale of the property formerly known as City Gardens. The property is 16 acres and is zoned R-8. The Development Department sent out 50 requests for proposals. Seven were returned and they narrowed that number down to three for personal interviews. The development will be a condo community known as The Reserve at the Falls, and the developer is Joe Byrne. There will be 95 units. The City purchased the property in 1965 and it was appraised in 1999 for \$600,000. The sale was \$725,000. There will be no ground breaking until 2004. Mrs. Truby stated that the proceeds from the sale of the property will go to building a fire station in Ward 5.

Mr. Schmidt stated that it looks like a nice development. He asked what would prevent the developer from doing something different from what he submitted. Mr. Arrington stated he could write that into the contract. Mr. Schmidt asked if Council could have that before next Monday. Mr. Arrington stated he would try but couldn't promise anything.

Mrs. Klinger stated she was glad to see this legislation here. It's been on the table for a long time. She is excited to see the funds used for the purchase of land for the fire station. Mrs. Truby credited Mr. Schmidt with that idea.

Mrs. Hummel stated the land is currently zoned R-8 and that is what it should remain. She is in favor of the project as long as that is understood by the developer. If he were to want different zoning, he would have to come back before Council anyway.

Mr. Gorbach asked what the amount was in Section 4, Line 42, that is committed to "other purpose". Mr. Brodzinski stated that \$21,500 of the selling price would go back to the Water Fund.

Committee recommended holding B-71.

Meeting adjourned at 7:10 p.m.