

**Cuyahoga Falls City Council**  
**Minutes of the Planning & Zoning Committee Meeting**  
**May 5, 2008**

**Members:** Diana Colavecchio, Chair  
Kathy Hummel  
Ken Barnhart

Mrs. Colavecchio called the meeting to order at 6:18.m. All members were present.

**Legislation Considered**

Temp. Ord. A-53

Temp. Ord. A-54

**Discussion:**

**Temp. Ord. A-53**

An ordinance authorizing and approving the site plan for Bath Crest Estates, a 228 unit residential development on West Bath Road in an R-5 moderate density district and declaring an emergency.

Mr. Guerra stated this was a site plan application for a development of 228 residential units on 44.85 acres. The property is zoned R-5 Medium Density. It allows for single family, multi family, assisted living and nursing homes. This site is unique in that although it is 45 acres large, only 14 to 15 acres can be developed due to the City's Code which instituted a riparian setback. Some changes have been made to reduce the number of apartments. Also, the units closest to High Hamptons will be two stories vs. three. The Planning Commission approved the plans on April 1 with seven conditions. In addition, the area between the road and the buildings will have more landscaping.

David Mann of Mann Architecture, 3660 Embassy Pkwy., gave a presentation on the project. He stated the buildings were 65 feet off the west property line (along High Hamptons). The buildings will be three stories except for the ones near High Hamptons which will be two stories. He added that his company is in agreement with the conditions from the Planning Commission.

Mrs. Colavecchio stated she appreciated the changes the developer made which are much more accommodating. She also liked the fact that they are moving the road. She indicated there were concerns regarding traffic flow on Bath Road. Mr. Guerra indicated that a traffic study was completed. While he did not agree with everything in the study, he did agree with the numbers they came up with. Traffic flow will not overburden that intersection due to the fact that more than half of the development is assisting living and nursing homes. Mrs. Colavecchio asked about the change in zoning. Specifically, that the property used to be R-1 and in 2005 was changed to R-5. Mr. Guerra stated that part was R-1 but the back of the property was R-43. In 2005, the City approved PUD prior to the Development Code. That allowed them to increase density. In 2005 with the new Code, the first thing they could not do was create nonconforming use. Because our Code tries to be as sustainable as possible, they took all commercial areas and made them mixed use districts. Adjacent to a mixed use district, you have R-5, which is a transition between single family and mixed use. Mrs. Colavecchio asked about the possible density vs. what is proposed. Mr. Guerra stated maximum density could be six units per acre. This development does not have maximum density. In R-5, you can have multi-family.

Mrs. Colavecchio asked about the history of the project. Mr. Mann stated it started as a residential project with ranch style 1 and 2 story buildings with four stories at the back of the property. It was also close to 400 units. The Code allows for 716 units. What they are now proposing is 246 units, with 150 of those being in

the assisted living and nursing home buildings. The remainder of the property is only 96 units. The apartments are two and three bedroom in the back. Not everyone would have garage units attached. Rent will be \$1,000 and up.

Mrs. Colavecchio asked about the process this project will go through and the time frame. Mr. Guerra stated the first step is site plan approval. They will then create a subdivision plat and present it to the Planning Commission and City Council. The timing is up to the developer as to when he finishes the subdivision plat. If they start immediately, the quickest they'd be before the Planning Commission would be July. Mr. Mann added that assuming they completed the subdivision drawings in July, they would be looking at September or October at the earliest to start putting the road in. They would build from the back of the property forward. The nursing home building needs state licensing and the independent living also has some red tape. Mrs. Colavecchio asked about the number of jobs this project will create. Mr. Mann stated it was hard to tell. There would be three shifts of 40 employees at the nursing home, 20 to 25 employees at the independent living facility; two grounds people and a clubhouse person, for a total of around 60 to 70 employees.

Mrs. Hummel confirmed that the road would be a public road and would include the loop at the back. Mr. Guerra stated the street, including the loop, would be public and the rest would be private. He added that the fire department will check to make sure there is enough radius to get to all of the buildings.

Mrs. Klinger pointed out that the ordinance states 200 residential units but the proposal is 246 units. She asked if it would require a 2/3 majority vote of Council because the proposal is different from what the Planning Commission approved. Mrs. Jones stated she believed it would and that she could prepare a substitute or Council could amend the ordinance on the floor.

Mr. Walters stated that R-5 shows limited use for convalescent homes and that there are stipulations given for that limited use. The Code states they shall only be allowed immediately adjacent to nonresidential uses. Mr. Guerra indicated that the Code is for the City of Cuyahoga Falls and that all regulations deal with property within the City. The property that is adjacent to this project is in Akron. If Akron came to the City when it was constructing High Hamptons, the City would have asked for stubs to be put in. Mr. Walters asked about the property to the east. Mr. Guerra stated it was vacant and zoned R-5. It was also approximately 400' wide.

Alice Simmons Wiese, Cedar Hill Road, stated she lived in Akron on the other side of the ravine. She was concerned about run-off further deteriorating the ravine. Mr. Mann stated the back of the units was 150' from the ravine and that there are 700 feet of trees from her to the building. It is difficult to see how that would contribute to erosion. There are agencies such as the Corps of Engineers, the City, etc. who are all saying that post development runoff equals predevelopment runoff. Mr. Guerra added that the back of the property was zoned R-53 which would have allowed for five to six story buildings and 43 units per acre. The City took the property from R-43 to R-1 to R-5.

Joseph Granata, 2650 High Hampton Trail, stated at the last meeting, he asked to have the buildings relocated, not have the number of stories lowered.

Robert Valcanoff, 1962 Fox Trace Trail, stated the Planning Commission spoke of mounding with trees as a buffer. He would like that as would most of his neighbors. He was also concerned about a number of other issues such as street lights shining in windows, and the hill to the west on Bath Road would present a danger to anyone pulling out of the development since they would be in a blind spot for cars traveling east. He also stated that the developer was stating the buildings were two stories but, in fact, are three stories when you include the garage. Mr. Demasi stated the two-story buildings were only two stories and had no garage under. Mr. Guerra stated the lighting would shine straight down so it should not shine into anyone's homes. They could also look at street light fixtures to have them do the same thing. They will either have sidewalks on both sides of the street or one eight foot wide multi-purpose trail on the east side of the street. The long-

term goal is for walkability. With regard to visibility, Mr. Guerra stated the road was moved as far east as possible but people drive faster than they should which is always a problem. He did not think the site distance was an issue.

Clifford Conley, 2621 Deer Ridge, asked if Mr. Guerra was aware of how many trees have already been removed. Mr. Guerra stated they were concerned about the trees that were cut into. The gas well was done prior to the site plan approval. They are working with the developer but the gas well driller is still cutting down trees. The developer needs to sit with the company and make sure they do not touch the trees. Mr. Conley asked whether the retention ponds would be fenced for the safety of the nursing home residents. Mr. Mann stated there would be no fences. The residents of the nursing homes will not have free reign of the property. The ponds need to be kept wet and will be periodically dredged. If there is a problem, a fence would preclude access.

Madeline Valcanoff, 1962 Fox Trace Trail, requested that a mound be put in as a buffer with 8' to 10' trees for their security and also to save their home value. Danny Karam, the developer, stated it is his intent to work with the residents. He plans to put in a mound at maximum height and will see if it is o.k. to put that in prior to construction starting. Mrs. Valcanoff requested that no white pines be planted. Mr. Karam stated the Planning Commission requested 200 blue spruce.

Mimi Hicks, 2811 Valley Road, stated there is a lot of run-off on her property from another development of Mr. Karam's. He should be required to fix that before being allowed to build in another area. Mr. Karam stated the problem at Mrs. Hicks' property has been addressed several times but he was unaware it continued to be a problem. He stated he would work with her.

Steve Millar, 2090 Forest Edge Trail, had Mr. Mann show him on the map where the gas line was located and then stated the gas line is right where the drop off was. Mr. Mann indicated that the line was actually set farther back. Mr. Millar disagreed and added that many of his trees have fallen into the creek. He invited Council out to walk the property. He asked what the square footage was of the apartments. Mr. Mann stated the smallest unit was 1,200 s.f. Mr. Millar was felt that \$1,000 was a lot of rent for such a small space which would make it hard to rent. He was concerned that many units would be unoccupied. Mr. Karam indicated he had another development that was 100% occupied with units that were less square footage and the rent at \$1,050 per month. He also added, with regard to the gas line, that it was 150 feet off the property line. Mr. Guerra stated there is a managed buffer to protect the stream.

Bill Henry, 1970 Fox Trace Trail, invited Council to come and look and how close the houses were to the development. He requested that detailed drawings be developed showing the grounds and spacing of the trees and if it comes up that 350 trees are needed vs. the 200, then so be it. He asked whether the mound could fall under the responsibility of the Planning Commission. Mr. Guerra stated it could be made a condition of the Planning Commission.

Ann Hassenpflug, 1972 Fox Trace Trail, stated she sent an e-mail to Council. She has concerns about the zoning. She felt living in Akron should not affect how she is treated by Cuyahoga Falls. She felt Cuyahoga Falls should be more in line with Akron's zoning since they are contingent cities. If her property was in Cuyahoga Falls, this development would not be appropriate. The trees are already gone and the gas line is 30' from her back window. She was concerned that drainage from a mound would flood her yard and would like that taken into consideration. Mr. Karam stated he would work with her regarding the mound issue and can do specific grading to help prevent flooding.

Richard Vargo, 2259 Cross Creek, felt allowing the development will harm the investments of home already existing in the area. He was disappointed to hear that Cuyahoga Falls is not concerned just because his development is in Akron. Council's approval would show support of one developer vs. several homeowners. He felt this development would increase run-off and further increase damage.

Mayor Robart stated the City will try to make sure the homeowners are as happy as possible. He sympathized with the homeowners but stated that this situation can occur in adjacent cities and, in fact, has happened several times with Akron not considering zoning in Cuyahoga Falls. The City has asked Akron's cooperation on many occasions but Akron thumbed its nose at us. He's worked with Danny Karam in the past and it's always been a positive experience.

Mrs. Pyke asked whether the gas line was built in the stream corridor. Mr. Karam stated the line was 70' to 80' off the condos. She asked if the well was in the stream corridor. He stated it was but pointed out that they have no control over gas wells. ODNR does all permitting.

Duane Crawford, 1977 Fox Trace Trail, wanted to make sure Council has seen what has been done out there.

Mark Henderson, 187 Cedar Hill Circle, commented on the zoning that states a nursing facility should only be allowed immediately adjacent to nonresidential property. Mrs. Colavecchio stated the City's Code allows us to do what is best for the City.

Mrs. Klinger asked if the City received a copy of the tree preservation plan. Mr. Guerra stated that is done as part of the subdivision process as is the landscaping plan. Mrs. Klinger wondered if things were out of sync with what is being done here. Mr. Guerra stated that what is causing the problems is the gas well. The City does not have jurisdiction over gas wells. Mrs. Klinger asked if there were elements that may get approved tonight that would be in conflict with the Code. Mr. Guerra stated everything is contingent on the subdivision plan. Mrs. Klinger stated there were a lot of comments made this evening regarding rental rates. That is something Council cannot take into consideration by law. There are other items it can consider but that is not one. With regard to the comments about being ignored because they are a part of Akron, she stated if residents attended an Akron planning meeting, they would experience something much different than what they are experiencing tonight in that tonight, they are being allowed to voice their concerns. She assured the Akron residents that she is listening.

Mrs. Colavecchio stated the residents will have two other opportunities to express their concerns as far as the subdivision goes. It is not carved in stone tonight. Our Administration is open to concerns and has pledged to work with the residents. No one likes new developments going in next to them.

***Committee recommended bringing out. Temp. Ord. No. A-53.***

**Temp. Ord. A-54**

An ordinance authorizing and approving the site plan for a 25,500 square foot animal care and housing facility at 222 Cochran Road, in an E-1 employment district and declaring an emergency.

Mr. Guerra stated this was major site plan approval for development at 222 Cochran Road for the Humane Society of Greater Akron. They will be constructing a 25,500 s.f. animal care and housing facility and offices. The building for the animal care and housing will be 18,500 and the offices will be 6,500 s.f. There will also be 75 paved parking spaces and 23 grass pavers for overflow. The applicant is T.C. Architects and the property is zoned E-1. The Planning Commission voted to recommend approval at its April 1, 2008 meeting with four stipulations. Something that came up during the meeting was there is a house located to the west of the facility. The City is working with the Humane Society to do more screening.

Mrs. Colavecchio stated there was controversy over access in and out of the facility. Mr. Guerra stated the access will be off Cavalier Trail. There is a section of Cochran Road that is unfinished. If Cochran Road is approved, the facility will have another entrance but he did not think that would happen for two or three years.

Susan Allen of T.C. Architects stated that Cochran Road dead-ends at the property line to the east. They are looking to extend it 70 feet. If it ever connects, they would like to have the entrance there.

Mrs. Conklin of the Humane Society stated she is excited about this project. It will do a lot of good for Cuyahoga Falls. It will create 27–34 part-time positions. She promised to be a good neighbor.

Mr. Barnhart asked about the timetable once this is approved. Ms. Allen stated they have bids in from the contractors. They then need to get drawings to the Building Department and Summit Soil & Water. As soon as they get their approval, they will be ready to dig. It should take approximately nine months to construct the facility.

Mr. Walters wondered if people would have a difficult time locating them since it has a Cochran Road address but no access there. Mrs. Conklin stated they will have directions on the website. She added that their trade name will be “Pawsabilities”.

***Committee recommended bringing out. Temp. Ord. No. A-54.***

The meeting adjourned at 8:10 p.m.