

Cuyahoga Falls City Council

Minutes of the Planning and Zoning Committee Meeting

July 19, 2004

Chair: Terry Mader; Vice Chair: George Potts; Member: Kathy Hummel

Mr. Mader called the Planning & Zoning Committee Meeting to order at 6:14 p.m. All members of Committee were present. The July 6, 2004 committee minutes were approved as submitted.

Scheduled legislation (second reading):

A-109	An Ordinance accepting the Planning Commission approval, findings and conditions of the final plat of The Kemppe Pointe Subdivision and site plan approval and declaring an emergency.
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Fred Guerra indicates this is final subdivision approval for Kemppe Pointe. There will be 15 lots on a cul-de-sac. At the July 7, 2004 Planning Commission meeting the Commission members recommended approval of the request for final plat approval of Kemppe Pointe with the following recommendations:

- 1) The Kemppe Point final plat is in substantial conformity with the Cuyahoga Falls 2010 Land use and Thoroughfare Plan.
- 2) The Kemppe Pointe final plat is in general conformity with Chapters 1115 and 1117 of the Subdivision Code and Chapter 1713 of the Sign and Landscaping Code.
 - a) The developer shows evidence of the number and caliper of trees to be saved and/or replaced.
 - b) The developer complies with tree protection techniques during construction.
 - c) The developer constructs the pedestrian way of crushed limestone so as to allow for more trees to be saved on the site.
 - d) Upon approval of the final plat and prior to recording by the city, the developer will pay a payment in lieu of public open space equal to 10% of the pre-development purchase price of the gross area. The value of pedestrian way dedication area will be subtracted from this amount.
 - e) The developer will install a storm sewer line along Taylor Road to Underwood Street to City Engineering specifications.
 - f) The developer will install decorative street signs.
- 3) Pay a \$100 per page recording service fee to the City.
- 4) Clean the dead wood from the trees on adjoining properties caused when developer's trees were removed.
- 5) Clean, grade with topsoil, if necessary, and seed the adjoining properties damaged by developer's workers.

Mary Ellen acknowledges how extensively this development has been discussed in Planning and Zoning. The tree and landscaping code has been thoroughly explored in Ward 2 with preservation of the trees in Ward 2. Fred has worked hard on this development. Mr. Walters asked if there were any sanitary sewer backups in this area? Mr. Bell indicates there was none. Mary Ellen states there were some storm water issues, but the reconstruction on High & Sill has helped with the runoff water.

The committee recommends bringing out Temp. Ord. A-109

A-110	An Ordinance authorizing and approving the conditional zoning certificate at 2916 Oakwood Drive, located in a Highway Service Commercial (C-H) District and declaring an emergency.
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Fred indicates this is for True North Energy, LLC to construct a new convenience store, carwash facility and gasoline dispenser/canopy at 2916 Oakwood Drive. A conditional zoning certificate is required and presently a Shell Oil gasoline/convenience sales outlet is on this location with a vacant building. The Planning Commission and City Council approved the renovation of the existing vacant building in September 2003 for a convenience store. True North Energy LLC operates over 200 retail gas stations/convenience stores in Ohio and is a joint venture between the Lyden Co. and Equillion.

The Planning Staff finds the following:

1. The proposed development is consistent with the 2010 Plan and the 2004 Charrette goals.
2. The proposed development is generally consistent with Chapter 1151- Conditional Zoning.
3. The new proposal will improve the overall site.
 - The new building will not be built over the important storm sewer easement.

- Parking and circulation will be somewhat improved.
 - Additional landscaping will be added to the site, particularly on Silver Lake Avenue.
 - The Planning Commission will be recommended to add additional building requirements that are more consistent with the Charrette visions and the new zoning district standards.
 - The actual streetscape on Silver Lake Avenue will be improved. The building frontage on the previous plan had no windows and was used for loading.
4. The new site plan is a final more comprehensive redevelopment plan. The previous site plan suggested that there might be a future car wash. Approval will eliminate future variances or incremental changes to the site.
 5. Staff remains concerned about the size and color of the canopy. It may be not appropriate for a neighborhood village.

At the July 7, 2004 Planning Commission meeting, the Commission members recommended approval of the request for conditional zoning for 2916 Oakwood Drive by True North Energy with the following conditions:

1. All buildings should have a dark shingled and/or flat roof (over car wash) instead of a green metal roof.
2. Brick color should be a warm color, preferably red to dark brown although blond brick can also be used.
3. Window awnings and True North sign on the building shall be dark green and not backlit.
4. All other surface colors should be subdued or dark color and bright or neon colors should be avoided.
5. Landscaping buffer on Silver Lake Avenue must include heavy screening as defined in Table 1713F of the Sign and Landscaping Code. Specifically, the landscaping area should be mounded at least 2 feet in height and at least six (6) additional pine trees shall be planted to provide a better buffer.
6. Additional landscaping (Pear Trees) and mounding will be required on the front (point) of the property.
7. The windows on the Silver Lake side of the building (car wash side) should be reconfigured to make this façade more inviting. Staff wants to avoid a large blank wall.
8. Canopy lighting is 320 watts and the foot-candle average is 30.
9. The Oakwood Drive side of the building receives foundation landscaping.
10. Signage is regulated at showcase standards that include a new monument sign.
11. Car wash hours of operation shall be limited from 7:00 a.m. to 10:00 p.m.
12. Pay \$500 inspection fee to Engineering Dept.
13. To secure the completion of the improvements required by the approval of the site plan, the applicant shall, prior to the issuance of a building permit, post with the Department of Industrial and Community development a site improvement cash bond in the amount of \$5000. Upon the completion of the improvements required by this approval, the cash bond shall be returned to the applicant. However, in the event, the applicant fails to complete the required improvements in the time allotted by law, the cash bond shall be forfeited to the City and the City may use said bonds to complete the requirements.
14. Operator/Owner must provide free compressed air.
15. Property may never be used as an automobile sales lot if convenience store/gas station closes.

Mrs. Hummel asks the number of feet for the entranceway? John Dzwonczyk, the architect on the project indicates there is 140 feet, or seven cars. Are the hours enforceable? Mr. Guerra states it is enforceable since it is apart of the conditional zoning certificate. This certificate states 7 a.m. to 10 p.m. on the car wash with the hours on the store remaining the same. Mrs. Hummel asks Mr. Arrington if these hours are enforceable? Mr. Arrington states it is a condition of the final approval. Mr. Guerra stated there were residents at the Board of Zoning Appeals who had concerns on the sounds of the car wash and the outdoor lighting. The noise will be minimal since this is a self-contained car wash. The rollers on the car wash and the blowers were the biggest concern. This is a residential area and this car wash does raise concern. Mrs. Hummel was in favor of this development until this car wash aspect was added.

Mr. Potts indicates his concern was the car wash. With the doors completely shut, the blower sound should be minimized. The power washing system is noisy because of the rocking motion. There is an easement that goes diagonally through the property and is accessible with the proposed plan. The developer provided a candlepower grid that shows how the lights dim towards the outer perimeter. They are recessed lights and up and under the canopy. This also helps in the residential area.

Mr. Walters asks about the wastewater. Mr. Dzwonczyk states it averages about 20-30 gallons per car and won't operate during the rains. Busy times are in February during a nice day. Most people will not line up for a car wash.

Mr. Flinn asks about the trash provisions. Mr. Dzwonczyk states the container will be near the entry of the car wash with a gate in front of it.

The committee recommends bringing out Temp. Ord. A-110

A-111**An Ordinance accepting the Planning Commission approval, findings and conditions of the final plat of Weatherstone Village Subdivision and site plan approval and declaring an emergency.**

Mr. Guerra indicates the owners are planning to subdivide the site into 3 lots and one open space for 52 attached single-family home dwelling units in 19 buildings with one freestanding clubhouse. 12 dwelling units will be built fronting on the new street; the remaining units will be accessed with two private drives, serving two pods of units (13 and 27 each) with private drives from Wellingshire Circle that is connected to Ridgecliff Street located in the City of Tallmadge.

At the July 7, 2004 Planning Commission meeting, the Commission members recommended approval of the request for final plat approval of Weatherstone Village with the following recommendations:

- 1) The original preliminary plat and the final plat are in substantial conformity with the Cuyahoga Falls 2010 Land Use and Thoroughfare Plan.
- 2) The Weatherstone Village final plat is in conformity with Chapters 1115 and 1117 of the Subdivision Code and Chapter 1713 of the Sign and Landscaping Code. In addition, the planning staff is recommending and stipulating the following:
 - i) All trees with a caliper of 24" and greater should either be saved or replaced when required in accordance with Section 1713(h) of the Sign & Landscaping Code.
 - ii) The developer must plant all street trees in accordance with Section 1713.05.
 - iii) Tree protection techniques during construction should be followed.
 - iv) Prior to recording by the city, the developer will pay a payment in lieu of public open space equal to 10% of the pre-development purchase price. This payment is to be applied to fund the necessary improvements for the completion of the Kelsey Creek Trail.
 - v) The developer will install decorative street signs.
 - vi) The developer provide construction drawings and cost estimates for the public improvements and execute the Subdivision Proposal Contract and Agreement for Installation of Public Improvements satisfactory to the Planning, Engineering and Law Departments.
 - vii) Comply with CO1115.15, 1115.16, 1115.17.
 - viii) Plat language has to be amended to assign responsibility for maintenance of Block "E" to the Homeowners Association.
 - ix) Remove reference to Stark Co. on the signature page of the Plat.
- 3) Tree Preservation requirements, Section 1713.04 (h) of the Sign and Landscaping Code must be adhered to. Actual tree calculations and tree replacement policy must be submitted with an application for a grading permit.
- 4) Comply with all directives and requirements of the City Engineer.
- 5) Applicant must pay a \$500 site inspection fee to the City of Cuyahoga Falls Engineering Department.
- 6) Applicant shall, prior to the issuance of building permits, post with the Department of Industrial and Community development a landscape/site completion cash bond in the amount of \$5000. Upon the completion of the improvements required by this approval, the cash bond shall be returned to the applicant. However, in the event, the applicant fails to complete the required improvements in the time allotted by law, the cash bond shall be forfeited to the City and the City may use said bond to complete the required improvements.

Mr. Potts likes to see it in the form of condominiums vs. apartments. He corrects the recommendation on the Planning Committee report to read "Weatherstone Village" instead of Kemppe Pointe.

The committee recommends bringing out Temp. Ord. A-111

Planning and Zoning Committee Meeting adjourned at 6:46 p.m.