

Cuyahoga Falls City Council

Minutes of the Planning and Zoning Committee Meeting

March 1, 2004

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

Mr. Mader called the Planning & Zoning Committee Meeting to order at 6:20 p.m. All members of Committee were present. The February 17, 2004 committee minutes were approved as submitted.

Scheduled legislation (second reading):

A-14	AN ORDINANCE ACCEPTING THE PLANNING COMMISSION APPROVAL, FINDINGS AND CONDITIONS OF A LOT FRONTAGE VARIANCE ASSOCIATED WITH A MINOR LOT SPLIT AT 3460 ANTOINETTE (PARCEL 35-04161) AND DECLARING AN EMERGENCY.
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Fred Guerra indicates that this is a Lot front variance in conjunction with a Minor Lot Split that Mr. Harris is attempting to split 3.3 acres from parcel 3504161 (10.4 acres). The 10.4 acres front on Antoinette Drive and Board Drive. The property is zoned R-1. Mr. Harris would like to build a new home on the one lot. The Planning Commission may grant variances to the Subdivision Regulations where unusual or exceptional factors or conditions require such modification, provided that the Planning Commission:

- a) Find that unusual topographical or exceptional physical conditions exist.
- b) Find that strict compliance with the Subdivision Regulations would create an extraordinary hardship in the face of the exceptional conditions.
- c) Permit any modification to depart from the Subdivision Regulations only to the extent necessary to remove the extraordinary hardship.
- d) Find that any modification granted shall not be detrimental to the public interest nor in conflict with the intent and purpose of the Subdivision Regulations.
- e) Require such other conditions to be met by the proposed plat as the Planning Commission may find necessary to accomplish the purposes of the Subdivision Regulations when modified.

Based on these requirements, there is no exceptional condition, extraordinary hardship or unusual topographical or physical conditions associated with this requested variance. Mr. Harris simply needs proper frontage on Board Drive for his proposed new lot. A variance would allow proper street frontage without the construction of a cul-de-sac. However, the variance will probably not be detrimental to the public interest, however it is in direct conflict with the Subdivision Regulations (proper frontages for R-1 zoning).

Terry indicates there was some comment about a third substitute variance based on review with George Potts, Tim Gorbach, and Mr. Harris. George indicates there are justifications for granting the variance. This has been done in Ward 8 at the Thompson place. Mr. Harris does have a hardship based on the summary report. He wants the correct lot split and doesn't have the frontage to correctly handle this without Council's approval. Mr. Harris provided an easement for sewer into Blossom Glen to the City and has worked many details out for this City, which will save the city over \$500,000.00.

Mr. Gorbach commends the broad vision of the Planning Commission. The statement indicates the variance will not be detrimental to the public. George indicates that future developers can purchase access if it is needed to access property further. A substitute bill will be provided by Virgil Arrington that will acknowledge that City Council accepts the variance requested by Dr. Harris.

The committee recommends bringing out Sub. A-14

A-41	An Ordinance accepting the Planning Commission approval, findings and conditions of the preliminary plat of the Giltz & Associates, Inc. subdivision and declaring an emergency.
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Fred indicates this is a Preliminary Subdivision Approval formerly 1871 Bailey Rd. creating individual parcels for the redevelopment of an existing tract at the southeast corner of Bailey Rd at Northmoreland Ave. The office portion of the building will be used as an office building along with the Merit Bank continuing to operate as a bank. The old grocery store (vacant retail space) will be tore down and reconstructed. Debbie Ritzinger indicates that she has seen the new plans and they are a welcome addition to this intersection. Giltz and Associates (Dan Giltz) discussed the color site plan.

Ruth Gray, 1848 Chatham St., indicates she wasn't notified of this building and feels she holds a deed restriction. She expresses grave concern over an agreement that the bank made with homeowners years ago. There was public participation about this site during the charette in Ward 1. There is no deed restriction that Fred Guerra is aware of. Mrs. Gray indicates there is a deed restriction and Mrs. Gray owns two of the properties.

Glenn Gerkin, 1839 Dwight Street, states he is concerned over how it will affect the traffic on Bailey Rd. The types of businesses explained cause him concern and he enjoys his privacy.

Mrs. Gray indicates that the bank wanted her friends property and the bank gave them the right for the parking lot only, she was able to live there until she died and nothing would be changed. Mr. Giltz states there is no entrance being contemplated from Dwight St. Mrs. Hummel inquires as to the zoning. Fred indicates this is zoned commercial and will need a retail/commercial zoning in the future. The conditional use request will be an asset to the neighborhood and go through a detailed process. Mr. Giltz indicates there are deed restrictions on this property such as no building less than \$1200, and other setback values, but his plans do not conflict with the current zoning use.

The committee recommends bringing out Sub. A-41

Planning and Zoning Committee Meeting adjourned at 7:08 p.m.