

Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee

May 17, 2021

Members: Susan Spinner, Chair
Jerry James
Adam Miller

Mrs. Spinner called the meeting to order at 6:40 p.m. All members were present.

The minutes of the April 19, 2021, and May 3, 2021, Planning & Zoning Committee were approved as written.

Legislation Discussed:

Temp. Ord. B-15

Discussion:

Temp. Ord. B-15

An ordinance approving a regulatory text amendment to Table 1131- 1 Zoning Districts and Uses to allow Vehicle Wash/Detailing as a conditional use in MU-3 Sub-Urban Center and MU-5 Urban Center Districts, and declaring an emergency.

Mr. Adam Paul, Senior Planner, stated that he would like to reiterate what has been said and clarify that this will not be a blanket car wash that can go anywhere. There still will have to be conditions met and approval by the Planning Commission as well as City Council.

Ms. Diana Colavecchio, Community Development Director, stated that this comes down to what is in the City's use table and what is proposed. This is only a portion of it, but this portion conforms with Table 1131.1, which uses require conditional zoning approval. Effectively, they are saying where the logic and the cutoff is in terms of being capable to be requested in MU-4, but not MU-5. They thought it was more consistent and provided more clarity and was a logical choice based on multiple inquiries. It is still not allowed in residential districts. The point of conditional use is that it gives, through the investigate process, an opportunity to look at it in a site-specific way.

Mr. James stated that he has been in contact with Mr. Krusz all through this. He is very educated in what is going on here. He has also been in communication with the McCreedy family, and they are all for this sale and development. Mr. Krusz has done his homework when it comes to checking the demographics to a lot of the business owners that are around this property and there has been an overwhelming majority of folks that are all for this development.

Mrs. Spinner stated that she has had an opportunity to ask some questions of Mr. Krusz, and, from what she understands, there is a great deal of community involvement and contribution.

Mr. Krusz stated that he also reached out to the Cuyahoga Falls School District Superintendent, Dr. Nichols, too, because they are investing in the property and it is going to increase the tax value,

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and approximately 50 percent of that goes to the school district. It is important they give back from a financial standpoint to the community. In his other businesses, they have had teacher appreciation weeks. He is a Rotarian in the City of Strongsville. He also supports the Boy Scouts. They have helped to send multiple troops to their leadership camps during the summer by giving them free car washes to donate. They continue to give back over the eight years of their existence in the eight municipalities they serve in now.

Mr. Stams asked if there is a reason for expanding the conditional use into additional areas. Ms. Colavecchio stated that it was considered at the Planning Commission, and they ended up making their recommendation. It was based on the fact that there were a couple inquiries whereas the only other mechanism to get there would be to go through the zoning amendment process. It made sense to use the text amendment on the table because it was a straightforward way to address it. Mr. Stams asked if there were MU-3 Suburban Center and MU-5 Urban Center districts in Ward 8. Ms. Colavecchio stated that a couple of the key intersections in Ward 8 are zoned as mixed-use centers, and the area both at Wyoga Lake Road and East Steels Corners and State Road is a mixed-used center district. It is predominantly automobile-type uses. They went through extensive review of that when Car Rite came through to renovate the old Burger King facility. There are a lot of uses that seem to fall under that same type of identification that would support this.

Mr. Stams stated if it was accurate that these areas are not located near residential areas. Ms. Colavecchio stated that they are generally not as close to the ones they are talking about here. In some instances those districts are going to abut residential districts, not in Ward 8 specifically with this example, but the mixed-use center that is zoned that way at Portage Trail and 7th Street. Much of Portage Trail is designated in that mixed use. There are limited and conditional uses that are vehicle-oriented. They included some type of retail component such as a restaurant or pharmacy, but, in some cases, they abut by districts.

Mr. Balthis stated that he would like to thank Mr. Krusz. He had a chance to drive over and look at the area. He has also heard about their commitment to the community and schools. On this specific site, this is a good project. He asked if the site they are talking about for this development is an MU-3 or an MU-5. Ms. Colavecchio stated that they are talking about an MU-5, but there are two separate ones. For the record, she does not believe their office is in receipt of any development plans for these, so she does not want to speculate and address that. Mr. Balthis asked what the zoning is for the area where Strickland's is located. Ms. Colavecchio stated that it is an MU-5 district.

Mr. Balthis stated that he is interested in better understanding. If Council passes this amendment and entities have a right to apply for a conditional-use permit, that name is a little misleading. That means that they have the right to do it, but the City will have certain abilities to ask that they add more landscaping, add more noise cancellation and more lighting cancellation, but, at the end of the day, at least in his reading of the law, the City is required to ultimately approve as long as they make the reasonable conditions that are put on. Mr. Balthis asked how that is different from someone trying to put a car wash now on an MU-3 or an MU-5 in their preexisting, nonconforming

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uses. He stated that he would like to follow-up with Ms. Colavecchio on that at some point. Ms. Colavecchio stated that, with respect to the nonconforming uses and the preexisting ones, there would be limited ability for expansion overall for them as opposed to if it came in new with the conditional-use requirements. That might be restrictive on both ends of what they prefer to see in terms of buffering noise reduction, landscaping, et cetera and in terms of what they may be capable of investing and renovating in a facility.

Ms. Nichols-Rhodes asked how many nonconforming car washes are in the City now. Ms. Colavecchio stated that she does not know the answer to that. She stated that she can think of at least one in that area they were just looking at. Ms. Nichols-Rhodes asked of all the land that has mixed-use designation for the zoning, how much of the mixed use would MU-3 and MU-5 make up. Ms. Colavecchio stated that it would not be difficult to return that information to Council in short order.

Mr. Iula asked how close this business is to residents. Ms. Colavecchio stated that on the side with area by Strickland's or Chase Bank or Acme, it is not close. Route 8 is also located there. In some instances, it will be site-specific. She does not think the site they looked at in terms of the zoning map and where the abutting residential district is actually close to the site. Mr. Iula stated that he was not in favor of the car wash on West Portage Trail, but this one does not seem like it is close to the houses. Ms. Colavecchio stated that in their mixed-use district, material and site requirements are increased to that which would be required in a general district, like an E-1 or C-1 districts. They are going to have high material quality standards.

Mr. Gorbach stated that Mr. Krusz's project is located at the current McCreedy's Tire. Currently, automobile repair shops are allowed in MU-3 and MU-5, and they have a certain amount of noise there and are open a certain number of hours. He does not see, in this instance, that a car wash in this location is not suitable and how a car wash is going to be any more intrusive than the current use of that building now. It is not going to be more noise than an auto repair shop would produce. Again, as was discussed, they will have an opportunity to regulate hours and additional screening with the conditional use. With respect to that specific location in this district, he sees no problem with that pursuit. He stated that although he recognizes Mr. Balthis' questions and the potential concerns with other opportunities in various locations in the city with MU-3 and MU-5, again, they hold the ability to control much of that with the conditional uses that can be placed on there. They are waiting for those specific answers maybe before they vote next week on this ordinance. Mr. Gorbach stated that he would ask that the committee bring it out, and that he would like the opportunity to vote on it next week. With this specific project at this location, he thinks it will be an improvement.

Mr. Miller moved to bring out Temp. Ordinance B-15 with a favorable recommendation, second by Mr. James. Motion passed (3-0).

The meeting adjourned at 7:10 p.m.