

## MINUTES OF PUBLIC HEARING

January 3, 2023

### **Temp. Ord. A-125**

**An ordinance approving a zoning map amendment for property located at the intersection of Clyde Avenue and Buchholzer Boulevard, from C-1, Commercial to R-5, Mixed Density Residential, and declaring an emergency.**

On the 3rd of January, 2023, at 6:30 p.m. EST, public hearings were called to order and conducted regarding Temp. Ord. A-125 dealing with amending specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearing was published in the Falls News Press, a newspaper of general circulation in the City of Cuyahoga Falls. A true and accurate copy of the published Notices are attached to these Minutes.

Mr. Adam Paul, Senior Planner, presented Temporary Ordinance A-125 to Council. Zoning Map Amendment (Section 1113.07 Zoning Map Amendment) – Parcel No. 0220528, at Clyde Ave. & Buchholzer Blvd. from C-1, Commercial to R-5, Mixed Density Residential. Applicant/owner Antonio Pilla is requesting a zoning map amendment, from C-1, Commercial to R-5, Mixed Density Residential in order to construct up to 40 townhomes dispersed among nine buildings.

The existing C-1, Commercial District is a commercial district providing for small-scale and large-scale commercial uses, which rely on high automobile accessibility. rural, suburban, or urban areas. The requested R-5, Mixed Density Residential is an urban residential district integrated into other mixed-use urban environments and buffering lower-density neighborhoods from busy corridors, characterized by a range of dwelling types, smaller lots, and high pedestrian connectivity.

The surrounding area is characterized by existing C-1, Commercial immediately south of the site and by R-5 multi and single-family developments immediately to the West, North, and East of the proposed development. The R-5 proposal does not conflict with the goals of the General Plan or with adjacent zoning districts. The proposal is generally in accordance with the requirements of the proposed zoning district, associated plans, planning area development patterns, and proposed uses. Planning Commission Review and Recommendation

At the November 1, 2022, Planning Commission meeting, the Commission members voted to recommend approval of the Zoning Map Amendment for Parcel #0220528- Clyde Ave. from C-1, Commercial District to R-5, Mixed Density Residential. The commission found the application to be consistent with the criteria established in Section 1113.07 D. Map Amendment Review Criteria based on review and findings associated with file MAP-22-00041 The subject parcels is currently best described as vacant but does have infrastructure related to past development activity. According to City Engineer Tony Demasi, “An existing underground storage and water quality system for the

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Trinity Square Development (Walgreens, Five Guys, Moe's, etc.) is located within the southerly 40-feet of this property." Mr. Demasi further explained that "this parcel, and the Walgreen parcel, were once a landfill. In order for the Walgreen project (which was called Trinity Square) to proceed, the developer worked with the Ohio EPA to obtain a Rule 13 authorization. The Environmental Covenant for these two parcels was issued by the OEPA in 2011. This authorization not only allowed for the Walgreen project to proceed, but also stipulated limitations to what can be built on these two parcels. In particular, Section 5 of the Covenant states that only commercial or industrial land uses are permitted, as defined in the OAC." The developer discussed the background and testing and review process with Planning Staff and provided documentation and contact information for the Project Manager that worked with Ohio EPA on resolving this matter. An Amended Covenant Not to Sue (CNS) for the Trinity Square Redevelopment Property (09NFA355) was issued by the Director of the Ohio EPA in August of this year. The CNS allows for "Restricted Residential Land Use" which simply means "no basements

Elizabeth Francis, 901 Magnolia Avenue, addressed Council requesting a more detailed outline of the proposed rental units. Ms. Colavecchio stated that what is contained in the handout is the proposed layout and the style of the proposed rental units. More specific detail with respect to the amount and type of buffering required to separate from another property or use, infrastructure and things of that nature would not be addressed until the second round of review with the Planning Commission and Council. Ms. Francis asked when they will identify the privacy area and will there be a fence, wall, and trees to help with noise and privacy issues. She also expressed concern for traffic because she only saw one proposed exit on Clyde Avenue. Ms. Colavecchio stated that that has not been determined. Ms. Francis stated that she is concerned about noise. She hopes that things will be addressed in development and construction and that the residents will have input into that.

Mr. Stams thanked Ms. Francis for coming forward and asking for details of the proposed plan. Her concerns are legitimate. He is looking forward to talking with Mr. Paul and the Planning Commission as it goes forward.

Mr. Tom Sullivan, 447 Tallmadge Road, stated that Ms. Francis and the rest of the neighbors that live on Magnolia Avenue did their due diligence when they purchased their homes. They bought property when there was a church and parsonage in the backyard. The zoning changed, and they ended up with some things that were not as nice as they thought they were going to have in their yard. Now it is changing again. He asked Council to be considerate of them.

Mr. Antonio Pilla, Applicant, 1151 North Ridge Drive, Novelty, Ohio, stated that he and his wife purchased this property a year and a half ago. They only submitted plans for 40 townhomes because that is all that was required, and they do not have any detailed drawings. He assured Council that they plan to put fencing and have nice backyards on the



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property that is adjacent to Ms. Francis' property and believes they will be pleased with what will be there once it is completed.

No further comments, either for or against the legislation, were offered by anyone in attendance.

**Certification**

The undersigned, Dana M. Capriulo, Clerk of Cuyahoga Falls City Council, hereby certifies that the foregoing is a true and correct copy of the minutes of the public hearing held by the Council of the City of Cuyahoga Falls, Ohio, at 6:30 p.m. on Tuesday, January 3, 2023.

Dated: January 4, 2023

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Dana M. Capriulo, Clerk  
Cuyahoga Falls, Ohio City Council

# LOCALiQ

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The Daily Jeffersonian | Record-Courier  
The Daily Record | The Repository  
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City of Cuyahoga Falls,  
Ohio

## Notice

### City Council Public Hearing

Notice is hereby given that there will be a Public Hearing in the Council Chambers in The Natatorium, 2345 Fourth Street, Cuyahoga Falls, Ohio on Tuesday, January 3, 2023 at 6:30 PM relative to the ordinance bearing temporary number A-125.

## STATE OF OHIO, COUNTY OF SUMMIT

The Cuyahoga Falls News Press, a newspaper printed and published in the city of Cuyahoga Falls, and of general circulation in the County of Summit, State of Ohio, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue dated:

11/20/2022, 11/27/2022

and that the fees charged are legal.

Sworn to and subscribed before on 11/27/2022

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Temp. Ord. A-125  
AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR PROPERTY LOCATED AT THE INTERSECTION OF CLYDE AVENUE AND BUCHHOLZER BOULEVARD, FROM C-1, COMMERCIAL TO R-5, MIXED DENSITY RESIDENTIAL, AND DECLARING AN EMERGENCY.

By Order of the Clerk of Council  
Dana Capriulo  
2t - 11/20 & 11/27/22 (8071386)

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*Please do not use this form for payment remittance.*

SARAH BERTELSEN  
Notary Public  
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