

## MINUTES OF PUBLIC HEARING

October 21, 2024

### Temp. Ord. A-75

**An ordinance approving a zoning map amendment for multiple parcels located on Boulder Boulevard and Quartz Avenue in the Boulder Estates subdivision from MU-1 Rural Neighborhood Center to RM Mixed Density Residential Overlay (R-3), as more fully described and depicted herein, and declaring an emergency.**

On the 21st of October, 2024, at 6:36 p.m. EST, public hearings were called to order and conducted regarding Temp. Ord. A-75 dealing with amending specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearing was published in the Akron Legal News on September 18, 2024 and September 25, 2024. A true and accurate copy of the published Notices are attached to these Minutes.

Mr. Rob Kurtz, Planning Director, stated that this request, initiated by Community Development staff, corrects a zoning situation where, in the Boulder Estates subdivision, there are several single family dwellings located in a primarily commercial district. Specifically, there are nineteen (19) parcels zoned MU-1 Rural Neighborhood Center. Since single family dwellings are not a permitted use in this district, the homes are considered legally nonconforming uses. As a way of background, the Boulder Estates development was originally approved as a Planned Unit Development (PUD) under the previous zoning code in 2004. The current Development Code was adopted July 25, 2005. Apparently through an oversight, the MU-1 district boundary included these single family lots. Planning Commission recommended approval of the map amendment in File MAP-24-00021 on September 4, 2024.

Mr. Kurtz spoke in favor of the ordinance. This request was initiated from staff in the Development Department. It seemed like an appropriate time to look at this, considering the proposed request from Petros Homes. These lots are currently zoned MU-1. In MU-1, a detached family dwelling is not a permitted use, so, legally, these would be considered legal nonconforming lots. Boulder Creek was originally approved in 2004. The total upgrade of the zoning was adopted in 2005 and, inadvertently, those 19 parcels were zoned MU-1 as opposed to RU-3. It does not stop anyone from living in those homes but, in some cases, they have had nonconforming uses and it has caused issues with refinancing or mortgages. They feel it is appropriate to correct this as a housekeeping situation. Again, no change in the use is proposed; just the correct zoning for what is there now.

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

**Minutes of Public Hearing  
October 21, 2024 – Page 2**

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 6:36 p.m. on Monday, October 21, 2024.

Dated: October 21, 2024

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

**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 Monday, October 21st at 6:30 PM relative to the ordinance bearing Temporary Numbers A-74 and A-75.

**Temp. Ord. A-74**

An ordinance approving a zoning map amendment for parcels located on State Road south of Boulder Boulevard from MU-1 rural neighborhood center to R-3 suburban density residential, and declaring an emergency.

**Temp. Ord. A-75**

An ordinance approving a zoning map amendment for multiple parcels located on Boulder Boulevard and Quartz Avenue in the Boulder Estates subdivision from MU-1 rural neighborhood center to RM mixed density residential overlay (R-3), as more fully described and depicted herein, and declaring an emergency.

By Order of the Clerk of Council

Dana Capriulo

Akron Legal News: September 18, 2024 and September 25, 2024.