

## MINUTES OF PUBLIC HEARING

December 21, 2020

### Temp. Ord. A-81

**An ordinance approving a zoning map amendment for parcel 02- 00234 (2404 7th Street) from R4 Urban Density Residential to MU4 Sub-Urban Corridor, as more fully described and depicted herein and declaring an emergency.**

On the 21st day of December, via Zoom, at 6:30 p.m. EST, public hearings were called to order and conducted regarding Temp. Ord. A-81, dealing with amending specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearings were published twice in the Falls News Press, a newspaper of general circulation in the City of Cuyahoga Falls, at least fourteen days prior to the date of these hearings, to-wit: November 15, 2020. A true and accurate copy of the published Notices are attached to these Minutes.

Mr. Adam Paul, Senior Planner, presented Temporary Ordinance A-81 to Council. William Marble is requesting a zoning map amendment for parcel 02-00234. The zoning map amendment from R4- Urban Density Residential to MU4-Sub-urban Corridor will allow the parcel to be included in the site area for the construction of a new Dairy Queen Restaurant.

#### **Planning Commission Review and Recommendation:**

At the November 4, 2020, Planning Commission meeting, the Commission members voted to recommend approval of the Zoning Map Amendment for Parcel #02-00234, subject to the following findings and conditions contained in the file:

The City of Cuyahoga Falls Planning Commission finds that the proposed map amendment for Parcel 0200234 (2404 7th St.) from R-4 Urban Density Residential District to MU-4, Mixed-use Center Corridor, meets key criteria of Section 1113.07 D. Map Amendment Review Criteria, with the exception of Criteria 5. The plans submitted do not meet standards of the zoning and design regulations for the proposed district. Therefore, based on review and findings associated with file MAP-20-00041, the Planning Commission recommend approval of the zoning map amendment subject to the following specific conditions: That conceptual plans displaying general compliance with the Limited Use Standards for a Drive-Thru Establishment in an MU-4 District be submitted to the Planning Division for review prior to placement on City Council's agenda for consideration. Revisions should be received with sufficient time for review within the code-specific timeline for Council's determination on the map amendment.

Subsequently, the applicant proposed a site plan that ultimately required a variance from the General Development Code. In an MU-4 district, Drive-through Establishments are a Limited Use, requiring all elements of the drive-through to be at least 50 feet from

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any residentially zoned lot. The site plan proposed drive thru facilities, including a menu board and speaker, at a distance of 22 feet from a residentially-zoned (and used) lot.

### **Board of Zoning Appeals Review and Determination:**

At the December 9, 2020, Board of Zoning Appeals meeting, the members voted to approve File VAR-20-00046 for 2404 7th St. The following motion was approved: The Cuyahoga Falls Board of Zoning Appeals approves a setback variance of 22 feet from the north property line of Parcel No. 0200234 for new drive through facilities as related to development of a new (replacement) Dairy Queen restaurant at the intersection of Portage Trail and 7th Street as associated with File VAR-20-00046 based on the following findings:

1. The setback variance request is based on review of multiple site plan layouts based on constraints specific to characteristics and business operations of the associated properties and owners.

2. The proposed drive through restaurant will not alter the essential character of the locality as it is an existing and Limited Use in the MU-4 zoning district abutting a residential use.

3. The proposed addition will require installation of a new heavy landscape buffer per requirements of the City of Cuyahoga Falls General Development Code. The surrounding area is characterized by a mix of other retail and professional office uses in the adjacent MU-4 districts and single-family residential dwellings going northward from the intersection and subject property.

Mr. David Pelligra, Dave Pelligra & Architects, Inc., 2231 Broad Boulevard, Cuyahoga Falls, Ohio, stated that Mr. Paul and Mr. Guerra have been a great asset to move the job forward. He stated that if there are any questions, he would be glad to address it.

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 Monday, December 21, 2020, via Zoom.

Dated: December 23, 2020

**MINUTES OF PUBLIC HEARING**

**December 21, 2019**

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

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CITY OF CUYAHOGA FALLS  
LAW DEPT.

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I, Mary Whithead being first duly sworn depose and say that I am Advertising Clerk of  
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30 South Zone a newspaper printed and published in the city of Kent, and of General circulation in the County of Portage, State of Ohio, and personal knowledge of the facts herein stated and that the notice hereto annexed was Published in said newspapers for 1 insertions on the same day of the week from and after the 15th day of November, 2020 and that the fees charged are legal.

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Sworn to and subscribed before this 16th day of November, 2020.  
Elizabeth McDaniel  
Elizabeth McDaniel  
Notary Public  
Commission Expires June 19, 2021

**LEGAL NOTICE**

Notice is hereby given that there will be a Public Hearing via Zoom on Monday, December 21, 2020 at 6:30 PM relative to the ordinance bearing temporary number A-81. Residents can watch the meeting on YouTube via the City of Cuyahoga Falls City Hall channel

and comment by sending an email to [publiccomment@cityofcf.com](mailto:publiccomment@cityofcf.com).

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR PARCEL 02-00234 (2404 7TH STREET) FROM R4 URBAN DENSITY RESIDENTIAL TO MU4 SUB-URBAN CORRIDOR, AS MORE FULLY DESCRIBED AND DEPICTED HEREIN AND DECLARING AN EMERGENCY.

By Order of the Clerk of Council  
Dana Capriulo  
FNP, Nov 15, 2020, 12683833