

**Cuyahoga Falls City Council  
Minutes of the Planning & Zoning Committee**

**September 21, 2020**

**Members:** Jerry James, Chair  
Ms. Nichols-Rhodes  
Mr. Miller

Mr. James called the meeting to order at 6:31 p.m. All members were present.

The minutes of the July 6, 2020 Planning & Zoning Committee meeting and Public Hearing were approved as written.

**Legislation Discussed:**

Temp. Ord. A-48

**Discussion:**

**Temp. Ord. A-48**

An ordinance authorizing and approving the conditional zoning certificate to construct and operate a Conrad's Blue Falls Car Wash facility on Portage Trail Extension (Parcel 35-04006), in an MU-4 Sub-Urban Corridor District, and declaring an emergency.

Mr. Fred Guerra, Planning Director, and Ms. Diana Colavecchio, Community Development Director, presented Temporary Ordinance A-48 to Council. Conditional zoning certificate reviews by the Planning Commission are required of all development of land within the City of Cuyahoga Falls, Ohio, according to Section 1113.08 of the Cuyahoga Falls General Development Code. On August 20, 2020, the Planning Commission recommended a conditional zoning certificate to construct and operate Conrad's Blue Falls Car Wash facility on Portage Trail Extension (Parcel 35-04006), within the City of Cuyahoga Falls, Ohio.

Conrad's Tire Express and Total Car Care is proposing a new Blue Falls car wash facility on Portage Trail West, just west of State Road. The site has had no previous development (other than a few single-family homes). The facility is a single-lane, automatic, tunnel style car wash with a side canopy cover over 3 pay stations. The site design includes 16 vacuum stations, 6 parking spaces and a masonry trash enclosure. The exterior of the 5,200 square foot facility is finished with a variety of materials including walls of metal, glass, EIFS and cultured stone veneer, while the roof is finished with a clear acrylic panel system. The blue and gray exterior and signage package emphasizes the corporate brand colors of Blue Falls and implements a consistent appearance of the other Blue Falls facilities in the area. The areas of the site not required for the facility and paving are to be landscaped with a variety of plantings and grass to soften the overall impact of the development. MU-4 Zoning includes residential, (single-family attached and multi-family), civic (schools, libraries, hospitals, offices, cemeteries), and offices and retail (grocery stores, general merchandise stores, convenience stores, theaters, drive-thru establishments, service stations, nursing homes, medical clinics, hotels, bars, vehicle wash establishments, liquor stores, vehicle repair, wireless communication facilities).

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At the August 18, 2020, Planning Commission meeting, the Commission members unanimously voted to recommend approval of the Conditional Zoning Certificate for Project CZ-20-00011 Blue Falls Car Wash, subject to the following conditions:

1. **Hours of Operations** -- The proposed car wash and vacuum hours of operation are Monday-Saturday, from 7:00 am to 8:00 pm, Sundays from 8:00 am to 6:00 pm and closed on New Year's Day, Thanksgiving and Christmas Day.
2. **Building Setbacks**
3. **Parking** --The front setback shall be no greater than 90 feet. --The final design shall include 10 guest and employee parking spaces.
4. **Façade** --Sixty (60) percent of the front façade shall be covered with brick, stone, or pre-cast stone.
5. **Landscaping and Noise Buffering** --The August 8, 2020 revised site plan screening was acceptable with the following modifications: All site landscaping (parking lot and building foundation) must meet all applicable standards in requiring other Landscape Standards. Landscaping on the northern property line (adjacent to Cedar Hill Subdivision) shall, at a minimum, meet heavy landscaping intensities as defined in Table 1145-26 Landscape Design-Screening Intensity. Evergreen trees shall be used for screening. An 8-foot fence must be installed in the area defined in the revised site plan. The fence must be constructed of acoustic buffering materials as to reduce sound and light. Heavy wood or modular concrete is an acceptable material.
6. **Sanitary Sewer** --The applicant must tie into the Summit County Sanitary Sewer System. Any removal of Get-Go buffering must be replaced with similar buffering (height, width, and opacity).
7. **Right-of-Way Area** --The applicant shall grant a 10-foot wide strip of land, parallel with Portage Trail West, to the city for the Portage Trail improvement project.
8. **Traffic Management** --All traffic impact recommendations shall be implemented. In addition, the applicant shall change Portage Trail pavement markings to accommodate a left turn lane. This will accommodate left-hand turns prior to the Portage Trail Street Improvement project. The improvement project will permanently construct a left-hand turn lane.
9. **Stormwater Management** --The applicant shall meet Section 1124.03 Flood Plain and Stormwater regulations. No landscaping or screening shall be reduced due to expanded storm water storage.
10. **Exterior Lighting** -- All exterior lighting must meet Section 1143.08. 11. Zoning Certificate All building, and site design changes or requirements must be submitted in the zoning certificate application and plans.

Mr. James stated that the Planning Commission and the developer, as well as the residents did their due diligence. Everything has been done through the Planning Commission and the developer that can possibly be done to alleviate any of the fears or concerns that the residents have right now.

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Mr. Stams stated that he certainly respects their business model. He has a job to do in representing the people of Ward 8. He supports them. He is not so sure the demand is there for another car wash and is worried for the existing car washes. Economically, he is not sure how much this is going to benefit the city. Environmentally, granting of the conditional use has the potential to create negative impact on the neighboring communities, so he has some concerns for the existing property, the adjacent property, and the neighbors. With all due respect to the Planning Commission, the first vote was 3 to 1, and the proposed development failed. When it went back, it passed unanimously. He would like to know the goals of the general plan.

Mr. Guerra stated that the goals of an MU-4 district would then be shown in detail in the plan. Residents came up with things they wanted to see; then, from there, we created a code that would allow those type of things. Ideally, mixed use is something where they want to see both residential and commercial. In this case, there are 14 acres. Of that, a small portion of it would be commercial. The plan does say that they want to see uses that are retail type use or residential. Being harmonious is one of the reasons to have a conditional-use permit. It is conditional upon meeting these requirements to make it more harmonious. In this case, they were able to move it forward with a lot of landscaping to make it more harmonious. The lighting is stricter than what is typically required. It is greater than heavy landscaping. Typically, they require medium landscaping. In the conditional use permit, one of the main things is stacking cars. The Commission knew this met the queuing of cars, so what they then started looking at was how to make the sound less than what is typically heard in a car wash. They can do it through landscaping and a sound barrier.

Mr. Stams asked if the general plan is the code, or was the general plan put in place to support the code. Mr. Guerra stated that the best way to accomplish a plan is to have regulations that codify what they want to do in that plan. The City took all its commercial districts, except for Howe Avenue and a few other small venues, and made them mixed use. In mixed use, they want to see retail, office and financial. There are different mixed uses depending on whether it is a neighborhood mixed use or downtown or suburban mixed use. MU-3 and MU-4 are mixed uses that have a suburban area, so there is more flexibility. The way they accomplish most of the plan is through the development code. The plan and the code are pretty much interchangeable.

Mr. Stams stated that he does not believe this is a harmonious use within the code. Mr. Guerra stated that harmonious means when it gets built, they want it to be harmonious with the neighborhood. A machine shop cannot be in a mixed use because it has been determined it is not harmonious, but there can be a car wash, because it has been determined, with conditions, it can be harmonious. Mr. Stams asked if there are any exceptions to businesses that are code-allowable that are not harmonious. Mr. Guerra stated that anything that is allowed by code in an MU-4 district is predetermined to be harmonious. All the code does is allow the Planning Commission and City Council to put extra conditions onto this to make it more harmonious. It states that there must be landscape requirements, light requirements and building materials that must be met.

Mr. Stams stated that under Item 3, it states that the use is not hazardous or disturbing to existing future neighboring uses and is not detrimental to the community. He does not believe it is

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hazardous, but he does believe it is disturbing to existing or planned future and neighboring uses. Mr. Stams stated that he has concerns with three of the stipulations that were made: Noise, light, and hours of operation. He cannot help but think that is going to be disturbing to future neighboring uses or the community. Mr. Guerra stated that the hours are Monday through Saturday, 7 a.m. to 8 p.m., and then 8 a.m. on Sunday morning to 6 p.m. It was determined that it was typical of other retail in that area. Get-Go is open 24 hours. Giant Eagle, the movie theaters and Starbucks may close earlier than 8 p.m., but most of the retail in that area is open.

Mr. Stams asked if the noise study that was conducted could be made available to Council or the public. Ms. Colavecchio stated that there was a reference by some of the neighbors about the volume and decibels. She believes that there was a study, or there was at least something presented that talked about how many decibels this car wash will produce and that it was within certain limits. Mr. Dominic Umek, Group Business Leader at Conrad's, stated that what is being referenced a noise study done at another facility. They cannot perform a noise study at this facility because it is not erected at this time. The equipment in use and the facility in use are identical to that they are building. They had a noise study done for a 12-hour period, from 7:30 in the morning to 7:30 in the evening and the decibels that were being emitted from the portion of the car wash that faces the residents off of Portage Trail is an average of 61.8. The high watermark was approximately 66, and the low watermark was about 59. That was compared to typical ambient noise in the outside. Standing outside in any area is going to be 50 decibels. Normal conversation at 3 meters is 60 decibels. Traffic going down the road is 75 to 80. The decibels being emitted by this are low when it comes to commercial retail activity. In addition to that, it is a significant distance to the resident property lines. Further, they have done extensive screening and buffering of any noise that emits by not only having an 8-foot acoustic fence back by the mound and surrounded by 24 evergreens to literally lock that whole area out to buffer any more noise that would be generated.

Mr. Umek stated that the noisiest part of the car wash is the drying mechanism, which is at the other end of the car wash that faces Portage Trail. That was not able to be distinguished between the road traffic and what the wash was generating when doing the measurement study. The road traffic going by was about 75 decibels, and the car wash was not generating anything more than what the road traffic already was, which would be like this case. The other two sides of the car wash are even lower decibel levels than the rear, because there is no opening there. It is glass all the way down on each side, so there is no noise coming out of those sides. They have incorporated the vacuum turbines into the secondary tower, which is at the Portage Trail end of the development. This is designed to eliminate any noise that the turbine would create to power up the vacuums. The vacuums will not be able to be heard off the campus, because there would only be the noise of the sucking coming out of the hose. There is no noise from the producer that creates that vacuum. Regarding garbage pickup, on multiple sites throughout Northeast Ohio, they require their provider to come after a certain time of day and before a certain time of day. Their provider has confirmed they would not come before 8 a.m. and they would not come after 5 p.m. to gather the trash.

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Mr. Stams asked why the fact that the lighting code was written prior to LED lighting should matter. Mr. Guerra stated that is because the old sodium-type lighting spreads out more than the LED. The LED tends to go down. They make LEDs with a small lip that covers up that line of light that sometimes occurs with LED.

Ms. Nichols-Rhodes stated that she appreciates all the contributions the public has made to this project. She also appreciates the follow-up Ms. Colavecchio and the City has done in that regard. On Number 6 of the stipulations, it mentioned how the landscaping and that the sewer would have to be moved with the cost being the responsibility of the developer. Mr. Guerra stated that they are not sure that anything must be replaced. The Commission said if it is removed, the developer is responsible. Conrad's understands that. There was public input and a lot of input from the Planning Commission.

Mr. Miller stated that he wants to echo what has already been said. He appreciates all the work that Mr. Guerra and his team and the Conrad's team has done and Mr. Stams being accessible to his residents. Council received a lot of calls and e-mails and are doing their best to address those concerns. He stated that he looks forward to hearing from the residents.

Mr. Brillhart asked approximately how many gallons of water it takes to wash a car. Mr. Umek stated that, on average, it is 39 gallons of total water that is used to wash a vehicle, compared to a little bit over 100 gallons it takes to wash a car at home. Thirty percent of that water is recycled, so it stays in the wash and is used in a nonessential part of the wash, like the under body and wheel blast. Mr. Brillhart asked if it is regulated by the Environmental Protection Agency. Mr. Umek stated that they are heavily regulated. They must meet certain standards so that whatever is being produced or released into the sanitary sewer system must be of a nature that cannot be harmful in the environment. These are all biodegradable products and are harmless to the environment. They did provide communication to the City that contains details from the manufacturer about the chemicals used. Mr. Brillhart asked if they must file reports about how much is being disbursed. Mr. Umek stated that since the chemicals are rated as biodegradable and nonthreatening to the environment, they do not have to be reported. Mr. Turk, President and CEO of Conrad's, stated that, in addition, the chemicals go through an oil separator to remove other liquids that may come off the vehicle, like antifreeze or oil, prior to going through any sewer systems. Mr. Brillhart asked how those are disposed of. Mr. Turk stated that they employ a company that comes to the site and takes them off site.

Mr. Gorbach stated that it may be important to note that this did not fail the Planning Commission the first time. It did not pass, and it did not fail, because four votes are needed to pass or fail. He stated that that is an important clarification of what occurred for the minutes. It did not fail and get voted on and passed. Ms. Colavecchio thanked Mr. Gorbach for making mention of that. At the first Planning Commission meeting, there were not four votes approving the application and there were not four votes denying the application. The Planning Commission must be approved or denied by four votes. When it is not, it is tabled and brought back for a later discussion. That is exactly what happened. It was brought back on August 18th for further discussion and approved unanimously with more than four votes at that time.

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Mr. Iula asked how far back this building is located from the residents in Cedar Woods. Mr. Umek stated that it is 195 feet. Mr. Iula asked how many Conrad car washes are in Summit County. Mr. Umek stated that they do not have a tunnel wash in Summit County. They have a touch-free wash in Copley and in Reminderville. They have a tunnel wash in Lorain County and Cuyahoga County. Mr. Iula stated that he does not understand having why they would build another car wash next to three others, counting one at the bottom of the hill in Akron. Mr. Umek stated that they do an extensive amount of research when we are doing site plans. Car wash customers break down into several segmentations. The touch-free wash, like Portage laser wash, is really a niche customer base. Most of the customers that go there prefer not to have any friction touch their car, and they are generally not customers of the friction wash that they operate in the tunnel. When it comes down to how many of a particular operation can survive in a market, there is a formula in terms of the density of households, vehicle registrations and the traffic patterns. There has been a very sophisticated development by the International Car Wash Association and most planning uses that instrument to determine how many washes can coexist in a marketplace. Based upon the density and based upon the traffic, Conrad's felt extremely comfortable making the investment here. They obviously would not be making an investment if they thought their return was going to be less than what they expected it to be. The number-one consideration is their competitors. Much like multiple fast-food restaurants and multiple regular restaurants operate in the same market, consumers will choose based on what is most convenient for them and what they feel is best for them.

Mr. John Hurley, 118 Cedar Woods Drive, stated that he had a chance to go see a tunnel wash like the one being built a little more than the week ago, and it was remarkably large. He is concerned that no matter the conditional uses they put upon this structure, that it is not going to fit in this intimate piece of property close to their residential areas. These are fairly-new structures. They hold 15 cars in a glass tunnel. One of things with this conditional-use zoning is that it sort of not draw attention to itself, but this long tunnel that is lit is probably one of the main marketing things that drawing attention to itself in this property.

Mrs. Diane Hurley, 118 Cedar Woods Drive, stated that she feels the Zoom format is not working, and there would be greater participation from the community if this were done live. Because there are going to be very few residents that speak, she does not want the Council to dismiss the fact there is a huge opposition for this car wash going in this area. Language like hidden, tucked away, no adverse effects, not intrusive, no problems with the residents is language that has been used at the Planning Commission meetings for the cell tower that has no traffic no noise. It is a conditional use. It should be de-emphasized. It should be hidden, tucked away, no adverse effects, nonintrusive. Mrs. Hurley asked how the lighted tunnel is going to be hidden, tucked away and nonintrusive. Mr. Turk stated that in relation to the size of the building, he understands that a hotel would be an approved use in the zoning, and their building is not taller than a hotel. The lighting is not lit up like it is at 6, 7, 8 o'clock at night the same that it is at 11:30 p.m. They are following all the guidelines in keeping all the light on site.

Mr. Robert Crano, 76 Cedar Woods Drive, stated that there is no benefit to Cuyahoga Falls or its residents by this car wash. His property abuts to it. He is the one that must deal with the sounds

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and the young children playing in a pool in his backyard having to smell fumes and other conditions to take away from the oasis that he provided. There are 500 people that have signed the petition. It is clear the people do not want this. It is Council's responsibility to listen to their constituents and please vote no on this.

Nesrene Clossman, 124 Cedar Woods Drive, stated that her house is a little bit further down, so there is no additional landscaping, and the trees in her backyard die in the winter. She can see all the way down State Road. If there is going to be this kind of lighting annoyance, she is not going to benefit from this at all. The property value is not only is going to decrease because she is living next to this car wash, but by what is going to end up next to a car wash is most likely a fast-food restaurant. Ms. Clossman stated that it is her understanding some funding was received to widen Portage Trail because of the emissions that are a result of the congestion at this location. She does not understand how adding a business that is going to have hundreds of cars idling per day on its lot right at the same spot is mitigating that air quality.

Mr. William Siegfert, 82 Cedar Woods Drive, stated that he seconds everything his neighbors have said. It appears to him that this is a done deal, and they are going through an exercise simply to go through the exercise. Even before that car wash went in, they have had at least one significant incident in that wooded area behind Get-Go where there were homeless people there. That fence will act as a barrier between the car wash and their homes, but it will also hide people that want to go back and drink or sleep, and if they want to go in their backyards to steal things to get their next bottle of booze or drugs. Many of his neighbors have young kids. He stated that he putting any kind of business there is just creating a haven for people who want to camp out back there and look to see what they could steal from the properties on the other side of the hill.

Mr. James stated that he encourages residents to send Council e-mails and try to communicate in other ways if they can, because they still have all week to decide on this. Council really appreciates all the comments and concern and will certainly be doing their due diligence.

Ms. Nichols-Rhodes moved to bring out Temp. Ord. A-48 with a favorable recommendation, second by Mr. Miller. Motion passed (3-0).

The meeting adjourned at 8:21 p.m.