

Cuyahoga Falls City Council
Minutes of the Finance Committee Meeting
July 30, 2012

Members: Diana Colavecchio, Chair
Don Walters
Jeff Iula

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

Legislation Discussed:
Temp. Ord. A-82

Discussion

Temp. Res. A-82

A resolution granting Council's consent to an extension of time for the sale of certain real property to Portage Crossing, LLC, pursuant to Contract No. 6779, as amended, and declaring an emergency.

Mrs. Truby stated in June, Council approved an amendment for Portage Crossings for a closing date of July 31 with a grace period of 30 days. Since there will no longer be a residential component, the Planning Commission thought it would be best to rezone the property from mixed-use to commercial. The Planning Commission approved this last week, and a public hearing is scheduled for September 10, which is after the final date of the contract. So, they are requesting an extension until October 31. They are working with the developer on a daily basis. This will give everyone ample time to get through the rezoning process.

Mrs. Colavecchio attended the Planning Commission meeting and had a copy of the staff report. She asked why the legislation was a resolution versus an ordinance. Mr. Janis stated a resolution is to exercise Council's prerogative. An ordinance would be enacting legislation. Mrs. Colavecchio stated this is a 90-day extension. Assuming it is passed this evening, she asked if it would go back to the Planning Commission for further action. Mrs. Truby stated it would not. They would wait for the public hearing and then bring the ordinance to the Planning & Zoning Committee meeting for discussion and a vote.

Mrs. Colavecchio asked for some insight as to what can be expected in switching from mixed-use to commercial. Mr. Guerra stated that once rezoning is complete, the site plan will be reviewed based on what the requirements are for C-1 designs, including building, landscaping, and signalization. It would then go to the Planning Commission before coming back to Council. When the process started in 2005, they thought the State Road Shopping Center would be a mixed-use development and that changing from commercial to mixed-use would help promote walkability. So, they created a special MU-4 for State Road and the plaza. After 2008, the housing market changed so they looked at the developer coming up with all retail options. The Planning Commission felt that the design guidelines would not work for the two big boxes. There would be too many conditions to make a 100 sq. ft. building function as a mixed-use building so the Commission felt rezoning to commercial made more sense. The developer agreed and submitted a rezoning application. This switch-over will help facilitate the process. It makes more sense and it will also still allow the Planning Commission to look at the buildings to make sure they look good. MU4 is a transition between commercial and the rest of the mixed-use districts. They want Portage Crossing to be as walkable as possible. Rezoning will not hurt the long-term goal for mixed-use on State Road.

Mrs. Klinger asked if either anchor tenant had the ability to opt out of the contract between today and October 31. Steve Rubin stated they could. There is still due diligence to be done. Giant Eagle's

deadline is the end of next week. Menards' due diligence isn't up until their closing. To give some comfort, they are signing off on the checklist. Site plans are signed off or about to be signed off. The biggest issue is easements they are working with now.

Mr. Walters moved to bring out A-82 with a favorable recommendation, second by Mr. Iula. Motion passed, voice vote (3-0).

Meeting adjourned at 6:52 p.m.