

## **MINUTES OF PUBLIC HEARING**

**September 10, 2012**

### **Temp. Ord. A-81**

**An ordinance re-zoning parcels 02-05240, 02-05241, 02-14014, 02-01811, 02-18517, 02-18768, 02-18769, 02-20436, 02-20437, 02-20439 and 02-02885 from MU-4 (“Sub-Urban Corridor”) to C-1 (“Commercial District”), authorizing a corresponding amendment of the City’s Official Zone Maps, and declaring an emergency.**

On the 10th day of September, 2012 at 2345 Fourth Street, Cuyahoga Falls, Ohio at 6:38 p.m. EST, a public hearing was called to order and conducted regarding Temp. Ord. A-59 dealing with amending specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearing was published twice in the *Falls News Press*, a newspaper of general circulation in the City of Cuyahoga Falls, at least 30 days prior to the date of the hearing, to-wit August 5, 2012. A true and accurate copy of the published Notice is attached to these Minutes.

One person spoke in support of the legislation. Fred Guerra, Planning Director of the City of Cuyahoga Falls, stated this is for the rezoning of 11 parcels, which make up about 27 acres. They are being rezoned from MU-4 to C-1 for the Portage Crossing redevelopment of the State Road Shopping Center. The applicant is Stark Enterprises and all of the property is either owned or under contract by Cuyahoga Falls Holdings LLC. There are issues why this rezoning is necessary. Most of State Road had been zoned Commercial since 1920. In 2005, the City rezoned State Road into an MU-4 Suburban Corridor. The principal distinction between MU-4 and C-1 is that MU-4 allows residential uses in commercial corridors, which means stricter mixed-use design standards are utilized. Most property in the City that is zoned MU-4 is primarily on State Road. In 2006, the City hired Basile Baumann Prost and Associates to develop a master plan for the State Road Corridor and Shopping Center. The master plan listed four goals (1) redevelop the shopping center as a regional retail center; (2) introduce residential and/or mixed use development to specific parcels; (3) continue beautifying the streetscape and storefronts throughout the corridor; and (4) improve the retail stock throughout the corridor. The proposed zoning amendment will advance the redevelopment of the shopping center property in-line with historic and long-range commercial planning goals. No matter what a property is zoned, Title 4 of the Code now requires greater landscaping than what was required prior to 2005. Certain criteria must also be met in a C-1 (size, location, transportation links). MU-4 is best for smaller developments. The two large anchor stores really cannot fit into a zoned MU-4 property. The Code also says that C-1 retail that is next to MU districts should incorporate as many of the characteristics of the surrounding area as possible. The Planning Commission recommended this rezoning at its July 24, 2012 meeting. Mr. Guerra stated this is the final piece needed to get the contracts signed. Mr. Rubino stated this legislation will be discussed in the Planning & Zoning Committee and asked if there was any urgency to get it passed that same night. Mrs. Truby stated there was not.

Mr. Walters asked whether the developer researched the zoning early on in the project to make sure the big box anchors would be able to comply with MU-4 zoning. Mr. Guerra stated the project has changed since it was first introduced. It was originally going to be mixed-use and include residential development. Due to the housing market situation in 2009 and due to the

developer getting interest from more retailers, the decision was made to change the plan to do all retail. There is not a lot of difference between MU-4 and C-1, and the only difference in design are material differences. This will also limit the developer to commercial only on the site. They cannot come back later to add residential. Mr. Walters stated he is getting a lot of calls from people wanting to see something happen on the property. Hopefully, this is the last piece so development can begin. Mrs. Pyke asked if Crocker Park would be considered mixed-use. Mr. Guerra replied it definitely was but the largest big box at Cocker Park may be around 20,000 to 30,000 sq. ft. where we are looking at 200,000 sq. ft. at Portage Crossing. He added that only the property being developed by Stark would be rezoned. It does not include the Burger King, Arby's, Pizza Hut or Ohio Savings.

Roger Williams, 930 Elizabeth Court, commented on the developer changing the project midstream. He thought the original plan was for mixed use but that plan is apparently out the window. Mr. Guerra replied that the plan will be based on what the Planning Commission and Council approves but, yes, it will be all retail. Once it is developed, it will not change. The only difference is that the development will not be done in phases as originally thought. Mr. Williams' main concern was the C-1 being a strip mall and the traffic that will be associated with it. Mrs. Truby responded that the contract the City has with the Developer prohibits a strip center. The zoning is changing but the plan originally shown will be the same. This legislation is just changing the zoning. Mr. Williams asked if Portage Trail would still be narrowed. Mrs. Truby stated that all public improvements that have been approved are still in progress. She also stated that Portage Trail isn't being narrowed but there is on-street parking. Mr. Williams stated he is having a hard time grasping the concept of narrowing Portage Trail with 15,000 cars traveling. He feels that will create a bottleneck causing traffic to reroute through the neighborhoods. Mrs. Truby stated they are not reducing traffic flow but rather controlling it, which will make it safer for vehicles and pedestrians. Mr. Williams stated that traffic will not be the same because the development is inviting extreme retail into the area. He wondered why there had to be on-street parking when there were acres available for off-street parking.

No further comments, either for or against the legislation, were offered by anyone in attendance. Council President, Mark Ihasz, declared the public hearing closed at 7:02 p.m.

#### Certification

The undersigned, Cathleen J. Meacham, 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 6:38 p.m. on Monday, September 10, 2012, in the City Council meeting room located in the Cuyahoga Falls Natatorium.

Dated: September 10, 2012

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Cathleen J. Meacham, Clerk  
Cuyahoga Falls, Ohio City Council

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# RECORD PUBLISHING CO.

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SEP 20 2012

CITY OF CUYAHOGA FALLS  
LAW DEPT.

I, ABBY STORKE, being first duly sworn,  
depose and say that I am Assistant Bookkeeper of:

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KENT and of General  
circulation in the County of PORTAGE, State of  
Ohio, and have personal knowledge of the facts herein  
stated and that the notice hereto annexed was  
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the same day of the week from and after the 5<sup>th</sup> day  
of AUGUST 2012 and that the fees  
charged are legal.

Abby Staerke  
Assistant Bookkeeper

Printers Fee \$ 28.50

Sworn to and subscribed before, this 19  
day of Sept. 2012

Elizabeth McDaniel  
Notary Public

My commission expires June 19, 2016

**LEGAL NOTICE**  
City of Cuyahoga Falls  
Notice is hereby given that there will be  
a Public Hearing in the Council Cham-  
bers in The Natatorium, 2345 Fourth  
Street, Cuyahoga Falls, Ohio on Mon-  
day, September 10, 2012 at 6:30 PM  
relative to the ordinance bearing tempo-  
rary number A-81:  
  
AN ORDINANCE RE-ZONING PAR-  
CELS 02-05240, 02-05241, 02-14014,  
02-01811, 02-18517, 02-18768,  
02-18769, 02-20436, 02-20437,  
02-20439 AND 02-02885 FROM MU-4  
("SUB-URBAN CORRIDOR") TO C-1  
("COMMERCIAL DISTRICT"), AU-  
THORIZING A CORRESPONDING  
AMENDMENT OF THE CITY'S OFFI-  
CIAL ZONE MAPS AND DECLARING  
AN EMERGENCY.  
By Order of the Clerk of Council  
Cathy Meacham  
August 5 - 11408820