

Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee Meeting
March 19, 2007

Members: Kathy Hummel, Chair
Tim Gorbach
Ken Barnhart

Mrs. Hummel called the meeting to order at 6:15 p.m. All members were present.

The minutes of the March 5, 2007 meeting were approved as submitted.

Legislation Considered:

Temp. Ord. B-36
Temp. Ord. B-43

Discussion:

Temp. Ord. B-36

An ordinance authorizing and approving the conditional zoning certificate for Ace Cash Express at 617 Howe Avenue and declaring an emergency.

Mrs. Hummel read B-36 (second reading). She said the ordinance had been held pending Mrs. Klinger's request for a legal opinion, which Mr. Arrington provided to Council members today. The legal opinion states that the City's consideration of a conditional use permit application is limited to land use and site related matters. Other considerations, such as the social benefit or regulation of the check cashing business itself, is governed by state law and not subject to local regulation.

Steve Funk, attorney for Ace Cash Express, said this request comes before Council in its administrative capacity, not its legislative capacity.

Mr. Barnhart said payday loan operations prey on people in financial distress. He urged Council members to contact state legislators and ask them to pass a law banning such predatory lenders. On a moral basis, he cannot support the ordinance. Mr. Mader agreed, stating that he is to tally opposed to the ordinance.

Planning Commission member Ed Davidian spoke in opposition to the ordinance, providing examples of individuals who had been victimized by payday lenders throughout the country.

He emphasized the negative social impact that these businesses have on our communities. He urged Council to hold the legislation for further study.

Mrs. Hummel suggested that Mr. Davidian contact his state legislators and urge them to change state law. Mr. Arrington said that Ohio Supreme Court case law is clear. The payday loan business is regulated by state law and not subject to home rule authority.

Mrs. Klinger said she has a moral obligation to obey the law and will therefore support the ordinance.

Mr. Gorbach asked if the City has the ability to place a moratorium on these types of businesses pending contact with state lawmakers regarding changing the law. Mr. Arrington said the City could remove check cashing/payday loan businesses from the list of conditionally uses in the zoning code, but this would likely produce a legal challenge. Mr. Guerra said the City has already placed limits on these businesses, restricting them to C-1 zoning districts. Disallowing them altogether would certainly invite a legal challenge.

The Committee recommended bringing out B-36 for approval.

Temp. Ord. B-43

An ordinance authorizing and approving the site plan for development of a 385,778 sf warehouse/distribution center at 210 East Steels Corners Road in an E-1 Employment District and M-1 Manufacturing District and declaring an emergency.

Mrs. Hummel read B-43 (second reading). Mr. Guerra reviewed the Planning Commission file, noting that the proposed GoJo Industries warehouse will be located directly east of the existing manufacturing center. The building itself is 8.8 acres large.

Mr. Barnhart inquired about the building facade. Mr. Guerra said the building will have prefab concrete walls with a beige colored aggregate. There are no windows.

Mr. Walters asked if construction of the facility might add to the flooding problems on Wyoga Lake Road. Mr. Demasi said there is a large two-acre, 12' deep retention pond to handle runoff.

Mrs. Colavecchio asked if the three parcels in the conservation easement would be GoJo's responsibility. Mr. Guerra said yes. These adjacent parcels sit on 20 acres facing Wyoga Lake Road.

Mrs. Hummel said this is a request for site plan approval of the warehouse/distribution center. There may be future subdivision legislation pending other development in the area.

The Committee recommended bringing out B-43 for approval.

The meeting adjourned at 6:53 p.m.

