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3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 ORDINANCE NO. 74 - 2013

7
8 AN ORDINANCE APPROVING THE APPLICATION OF
9 PORTAGE CROSSING, LLC FOR THE DESIGNATION OF
10 A COMMUNITY ENTERTAINMENT DISTRICT AT THE
11 PORTAGE CROSSING REDEVELOPMENT SITE, MAKING
12 CERTAIN FINDINGS IN CONNECTION THEREWITH,
13 AND DECLARING AN EMERGENCY.
14

15 WHEREAS, Section 4301.80 of the Ohio Revised Code ("R.C.") authorizes City to
16 designate a contiguous area in excess 20 acres as a Community Entertainment
17 District, upon the application of one or more of the owners of the parcels located in
18 such area; and
19

20 WHEREAS, on September 3, 2013 the City received an application from Portage
21 Crossing, LLC to designate a Community Entertainment District within the Portage
22 Crossing Redevelopment Site, the boundaries of said district being more fully
23 detailed in the application, which is attached to this Ordinance as Exhibit 1; and
24

25 WHEREAS, the application contains the submissions required by R.C.
26 §4301.80(B), is complete and in order, and has been forwarded to this Council from
27 the Mayor with a recommendation that it be approved,
28

29 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
30 Falls, County of Summit, and State of Ohio, that:
31

32 Section 1. The application of Portage Crossing, LLC for designation of a
33 Community Entertainment District, attached hereto as Exhibit 1, is well taken and is
34 approved for boundaries set forth in the application.
35

36 Section 2. This Council hereby finds and determines that the proposed
37 community entertainment district will substantially contribute to entertainment,
38 retail, educational, sporting, social, cultural, or arts opportunities for the
39 community, the relevant community being the city of Cuyahoga Falls.
40

41 Section 3. Any other ordinances or resolutions or portions of ordinances and
42 resolutions inconsistent herewith are hereby repealed, but any ordinances and
43 resolutions not inconsistent herewith and which have not previously been repealed
44 are hereby ratified and confirmed
45

46 Section 4. It is found and determined that all formal actions of this Council
47 concerning and relating to the adoption of this ordinance were adopted in an open
48 meeting of this Council, and that all deliberations of this Council and of any of its
49 committees that resulted in such formal action, were in meetings open to the public,

50 in compliance with all legal requirements including, to the extent applicable, Chapter
51 107 of the Codified Ordinances.

52

53 Section 5. This Ordinance is hereby declared to be an emergency measure
54 necessary for the preservation of the public peace, health, safety, convenience and
55 welfare of the City of Cuyahoga Falls and the inhabitants thereof, and provided it
56 receives the affirmative vote of two thirds of the members elected or appointed to
57 Council, it shall take effect and be in force at the earliest period allowed by law.

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60 Passed: 10-28-13

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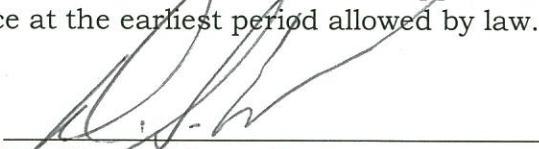
68 Approved: 10/29/13

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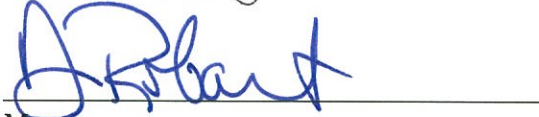
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President of Council



Clerk of Council



Mayor

9/23/13

O:\2013ords\Community Entertainment District - Portage Crossing

July 19, 2013

VIA FEDEX

Mayor Don L. Robart
City of Cuyahoga Falls, Ohio
2310 Second Street
Cuyahoga Falls, Ohio 44221

Re: Community Entertainment District

Dear Mayor:

We are seeking to have the development known as Portage Crossing (the "Property") designated as a Community Entertainment District under section 4301.80 of the Ohio Revised Code.

The name and address of the applicant is as follows:

Portage Crossing, LLC
an Ohio limited liability company
c/o Stark Enterprises
1350 West 3rd Street
Cleveland, Ohio 44113

Attached hereto as **Exhibit A**, and incorporated herein by reference, is a survey of the Property describing the boundaries of the proposed Community Entertainment District.

The following uses described in Section 4301.80(A) of the Ohio Revised Code will be located at the Property and included within the proposed Community Entertainment District: restaurants; retail sales establishments; motion picture theatres; and entertainment/sports facilities. The proposed Community Entertainment District will also include a full service grocery store.

Construction of the development of the Property has commenced, and the project opening date will be in fall 2014 or spring 2015.

Attached hereto as **Exhibit B**, and incorporated herein by reference, is a letter from the City of Cuyahoga Falls confirming that the zoning of the Property is *C-1 Commercial District*. All proposed uses for the Property fall within that designation.

Attached hereto as **Exhibit C**, and incorporated herein by reference, is a certificate from Neff & Associates, an engineering firm providing various civil engineering services in connection with the development of the Property, and licensed under Chapter 4733 of the Ohio Revised Code, indicating that



the area encompassed by the proposed Community Entertainment District contains no fewer than 20 contiguous acres of land.

Should you have any questions regarding this application, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Thomas A. FitzSimmons', written in a cursive style.

Thomas A. FitzSimmons
General Counsel

cc: File
Sue Truby
Steve Rubin

Exhibit A

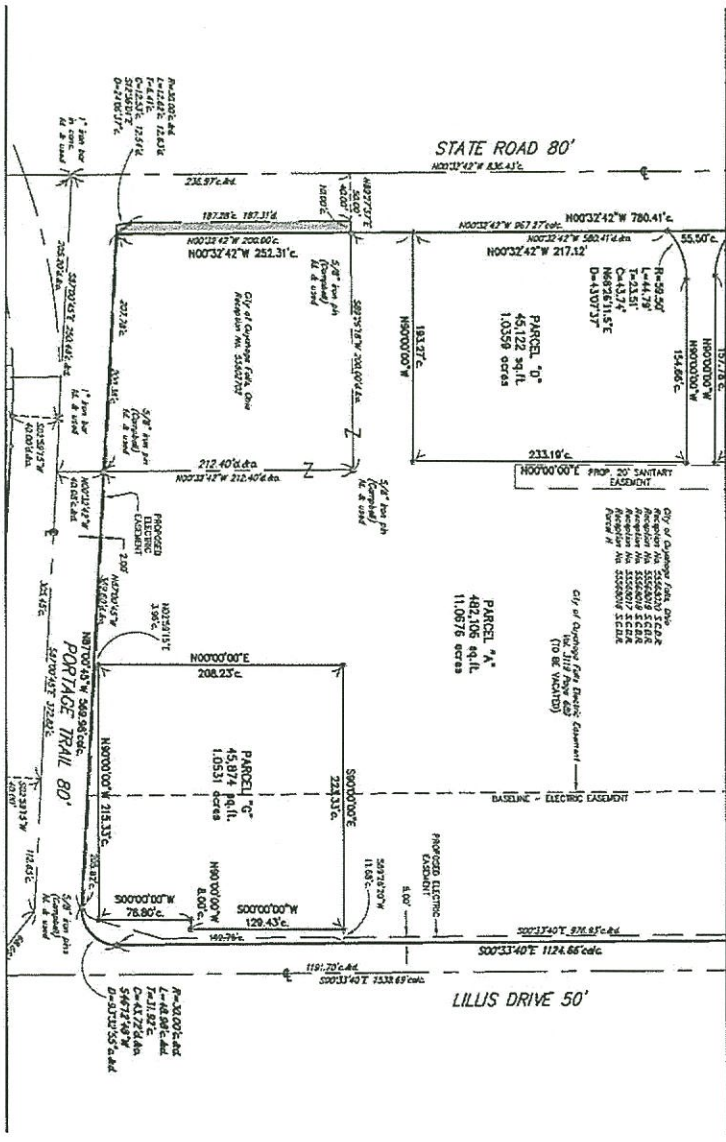
Survey

[see attached]

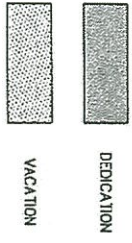
LEGEND:
 0 Item Payable found as described
 1 Item Payable found as described
 2 Item Payable found as described
 3 Item Payable found as described

SEE SHEET 3

MATCH LINE (SEE SHEET 1)



ABBREVIATIONS
 G.C. = calculated
 H.C. = horizontal
 V.C. = vertical
 S.C. = slope
 P.C. = point of curvature
 E.C. = external angle
 T.C. = tangent
 L.C. = length of curve
 R.C. = radius of curve
 C.C. = center of curve
 M.C. = middle ordinate
 S.P. = stationing
 P.T. = point of tangency
 P.I. = point of intersection
 P.C. = point of curvature
 E.C. = external angle
 T.C. = tangent
 L.C. = length of curve
 R.C. = radius of curve
 C.C. = center of curve
 M.C. = middle ordinate
 S.P. = stationing
 P.T. = point of tangency
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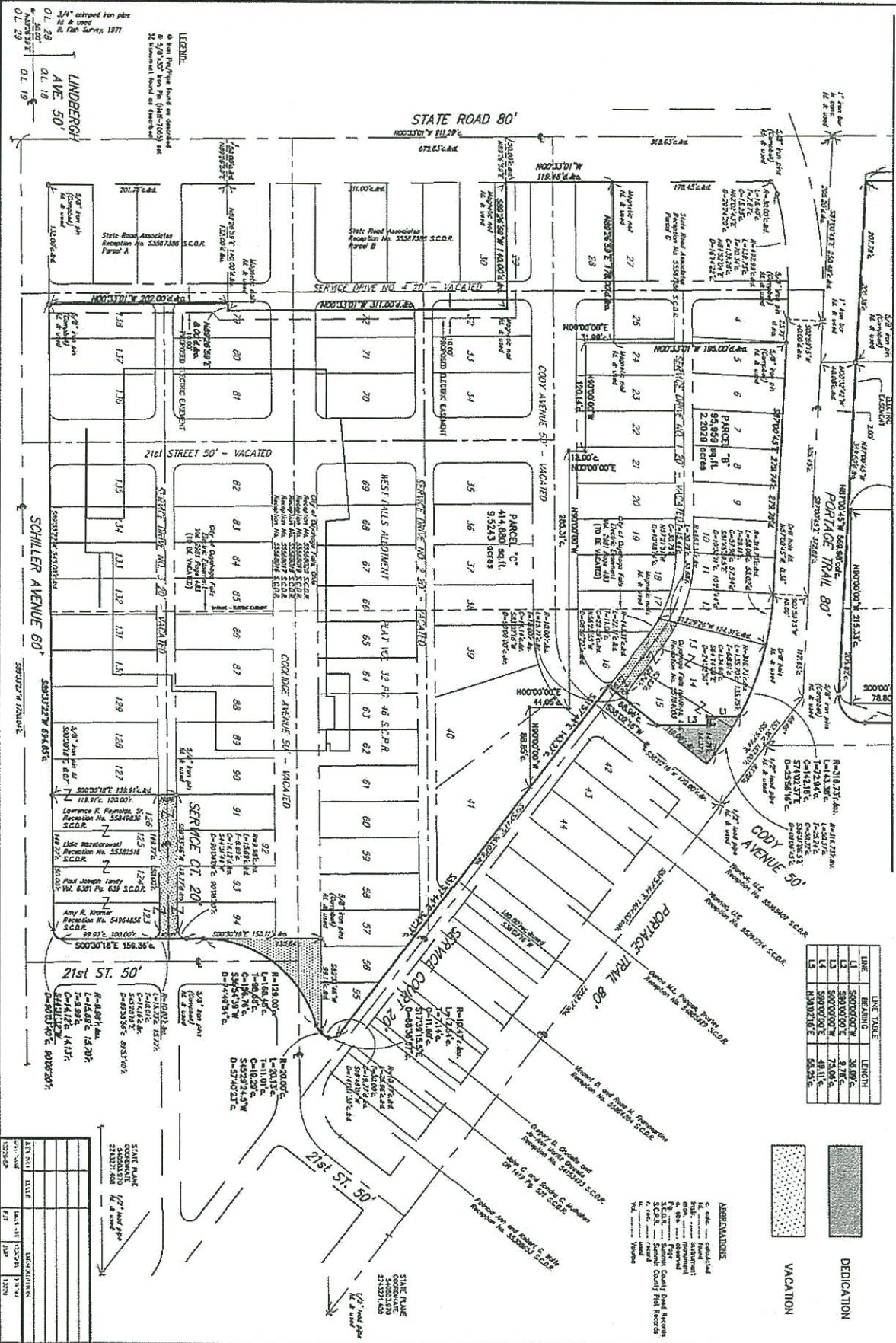
DATE	BY	REVISION
12/28/20	AM	1/23

SHEET NO. 2



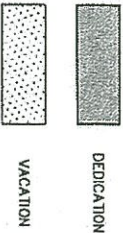
CITY OF CUYAHOGA FALLS, OHIO
PORTAGE CROSSING SUBDIVISION NO. 1
 CITY OF CUYAHOGA FALLS, COUNTY OF SUMMIT, STATE OF OHIO





LINE TABLE

LINE	BEARING	LENGTH
1	S89°03'00"W	36.09'
2	S89°03'00"W	74.78'
3	S89°03'00"W	48.11'
4	S89°03'00"W	58.50'



ABBREVIATIONS
 C.C. = Coded
 H.L. = Horizontal
 V.L. = Vertical
 S.C.P.R. = Summit County Plat Record
 S.C.D.R. = Summit County Plat Record
 V.L. = Volume

DATE	BY	REVISION
12/28/09	JSP	1/20

NEFF ASSOCIATES
 6401 Van Road Parma, Ohio 44130
 Tel: 440.265.1100 Fax: 440.265.1101

SHEET NO. 3

CITY OF CUYAHOGA FALLS, OHIO
PORTAGE CROSSING SUBDIVISION NO. 1
 CITY OF CUYAHOGA FALLS, COUNTY OF SUMMIT, STATE OF OHIO



Exhibit B

Zoning Letter

[see attached]

Don L. Robart, Mayor
Susan L. Truby, Development Director
Jennifer L. Syx, Deputy Director



Community Development Department
2310 Second Street
Cuyahoga Falls, Ohio 44221
330-971-8135

Fred R. Guarra, AICP, Planning Director

City of Cuyahoga Falls

June 27, 2013

The Huntington National Bank
925 Euclid Avenue, Suite 1990
Cleveland, OH 44115

Portage Crossing LLC
1350 W. 3rd Street
Cleveland, Ohio 44113

RE: Property located at Portage Trail and State Road – Portage Crossing (the “Project”)

Ladies and Gentlemen:

I understand that The Huntington National Bank, a national banking association (“Lender”), is making several loans (“Loans”) to Portage Crossing, LLC, an Ohio limited liability company (“Borrower”), to finance the acquisition and construction of the Project, which shall be used as a retail shopping center (“Intended Use”). I also understand that as a condition of making the Loan, the Lender has requested that the City of Cuyahoga Falls, Ohio (“City”) confirm certain items with respect to zoning and other matters. As Planning Director for the City of Cuyahoga Falls, I am familiar with the Project and I am authorized to provide the Lender with the following information. I further understand that the Lender will be relying upon the following information in making the Loan to the Borrower.

With respect to the Portage Crossing Project, I hereby confirm and represent to you as follows:

1. The Project is presently zoned C-1 Commercial District. The intended use of the project complies with all zoning requirements allowed in C-1 Commercial Districts. Such compliance is not dependent upon any special permit, conditional use permit, variances or any pre-existing non-conforming use.
2. The Project if constructed pursuant to approved sites plans submitted to the City comply with all applicable zoning requirements of the City, including, without limitation, those requirements relating to the location of buildings; setback, height and size of buildings; size, location and configuration of parking lots; driveways and curb cuts; lot coverage; loading and unloading areas; landscaping; lighting; traffic circulation lanes and fire lanes. Compliance is substantiated by the following approvals:
 - a.) Portage Crossing Site Plan -- On May 7, 2013, the Planning Commission approved the site plan for Portage Crossing. Approval includes building, parking lot and landscaping design.
 - b.) Portage Crossing Site Plan -- On May 28, 2013, City Council approved the site plan for Portage Crossing. Approval includes building, parking lot and landscaping designs.

- c.) Portage Crossing Variances -- On May 29, 2013, the Board of Zoning Appeals approved the following three variances:
- A 4% total lot coverage variance that allows for 89% lot coverage instead of 85% lot coverage.
 -
 - A 70% drive-thru establishment queuing area variance that allows a 9-foot setback instead of a 30-foot setback.
 - A 10% maximum parking requirement variance that eliminates the need to construct mitigating parking design features.
3. The Project, if constructed pursuant to the approved site plan, shall have approximately 1,432 parking spaces, which complies with applicable parking requirements in the Cuyahoga Falls General Development Code. Handicapped parking spaces are governed by State of Ohio regulations.

There is no current legislation before the City, nor to my knowledge is any such legislation under discussion or consideration that will in any manner change or adversely affect the matters set forth in paragraphs 1, 2 and 3 above. However, the Planning Commission will review building designs for any additional building at Portage Crossing not covered in the previous approvals.

Sincerely,

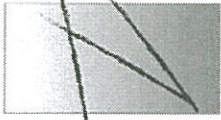


Fred R. Guerra, AICP
Planning Director
CITY OF CUYAHOGA FALLS

Exhibit C

Engineer's Certificate

[see attached]



NEFF
& ASSOCIATES

Civil Engineers + Landscape Architects + Planners + Surveyors

August 28, 2013

Portage Crossing LLC
1350 West 3rd Street
Cleveland, OH 44113

Re: Portage Crossing
Cuyahoga Falls, Ohio
File No. 13226-006

To whom it may concern:

This statement is to certify that the Portage Crossing property is greater than 20 acres as measured in the plat shown in Exhibit A.

Very truly,

Thomas J. Neff, P.S.
Registered Survey No. 7065-Ohio

