

NEW LEGISLATION

November 12, 2012

Temp. No.	Introduced	Committee	Description
A-111	11/12/12	P&Z	An ordinance approving the site plan related to construction a 22,000 square foot commercial greenhouse at 1820 Akron-Peninsula Road (Parcel No. 35-02321), and declaring an emergency.
A-112	11/12/12	P&Z	An ordinance approving a conditional zoning certificate for the operation of tow lot/impound lot at 488 East Steels Corners Road (Parcel No. 35-03916), in an E-1 Employment District, and declaring an emergency.
A-113	11/12/12	FIN	An ordinance authorizing an amendment to the amended and restated contract for sale of land for private redevelopment with Portage Crossing, LLC (Contract No. 6779), and declaring an emergency.

CALENDAR

November 12, 2012

The following legislation will be up for passage at the Council Meeting on November 12, 2012.

Temp. No.	Introduced	Committee	Description
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No pending ordinance or resolution referred to committee has been reported out for a vote.

PENDING LEGISLATION

November 12, 2012

Temp. No.	Introduced	Committee	Description
A-91	9/10/12	CD	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, according to law, for the demolition of buildings and removal of demolition debris at various locations in the City, certifying the cost thereof to the County Fiscal Officer for collection in the manner provided by law, and declaring an emergency.
A-99	9/24/12	PA	An ordinance authorizing the Director of Public Service to issue an encroachment permit to Cole CK Portfolio I, LLC for the purpose of installing and operating a private sanitary force main sewer in Portage Trail Extension, and declaring an emergency.
A-101	9/24/12	PA	An ordinance authorizing the Park and Recreation Board to enter into a contract or contracts, according to law, for the construction of a storage and maintenance building at Brookledge Golf Course, and declaring an emergency.

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5 CITY OF CUYAHOGA FALLS, OHIO

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7 ORDINANCE NO. - 2012

8
9 AN ORDINANCE APPROVING THE SITE PLAN RELATED
10 TO CONSTRUCTION A 22,000 SQUARE FOOT
11 COMMERCIAL GREENHOUSE AT 1820 AKRON-
12 PENINSULA ROAD (PARCEL NO. 35-02321), AND
13 DECLARING AN EMERGENCY.
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16 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires
17 that all affirmative decisions made by the Planning Commission be submitted to
18 Council, and
19

20 WHEREAS, site plan review by the Planning Commission is required for the
21 construction of all new buildings in excess of 8,000 SF in the City of Cuyahoga
22 Falls, Ohio, and
23

24 WHEREAS, on November 6, 2012 the Planning Commission approved the site
25 plan for the construction of a 22,000 square foot commercial greenhouse for
26 Todaro Family Limited Partnership at 1820 Akron-Peninsula Road (Parcel No. 35-
27 02321), within the City of Cuyahoga Falls, Ohio.
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. This Council approves the site plan related to construction of a
33 22,000 square foot commercial greenhouse at 1820 Akron-Peninsula Road,
34 Cuyahoga Falls, Ohio, (Parcel No. 35-02321), in accordance with Cuyahoga Falls
35 General Development Code regulations as set forth in the Codified Ordinances of
36 the City of Cuyahoga Falls and as approved by the Planning Commission as per the
37 plans and final conditions contained in File P-22-12-SP, and as further depicted on
38 the plan and elevation drawings attached hereto as Exhibits A-1 and A-2.
39

40 Section 2. Any other ordinances or resolutions or portions of ordinances and
41 resolutions inconsistent herewith be and the same are hereby repealed, but any
42 ordinances and resolutions not inconsistent herewith and which have not
43 previously been repealed are hereby ratified and confirmed.
44

45 Section 3. It is found and determined that all formal actions of this Council
46 concerning and relating to the adoption of this ordinance were adopted in an open
47 meeting of this Council, and that all deliberations of this Council and of any of its
48 committees that resulted in such formal action, were in meetings open to the

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

51
52 Section 4. This ordinance is hereby declared to be an emergency measure
53 necessary for the preservation of the public peace, health, safety, convenience and
54 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason
55 that it is immediately necessary to permit timely and appropriate development of
56 this property, and provided it receives the affirmative vote of two thirds of the
57 members elected or appointed to Council, it shall take effect and be in force
58 immediately upon its passage and approval by the Mayor; otherwise it shall take
59 effect and be in force at the earliest period allowed by law.

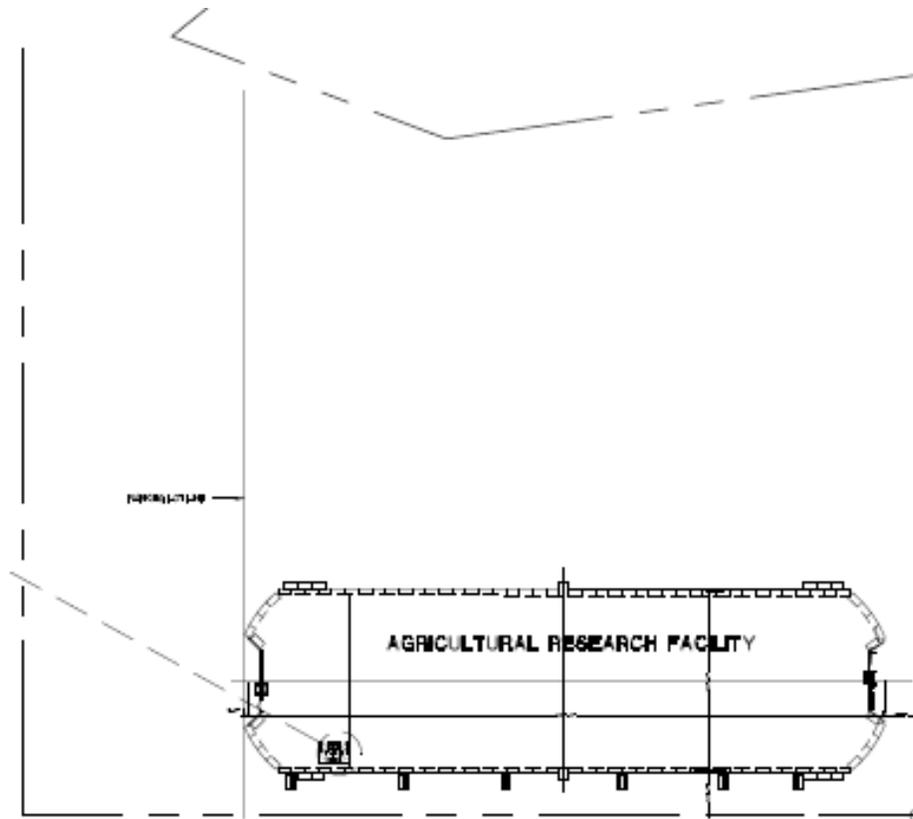
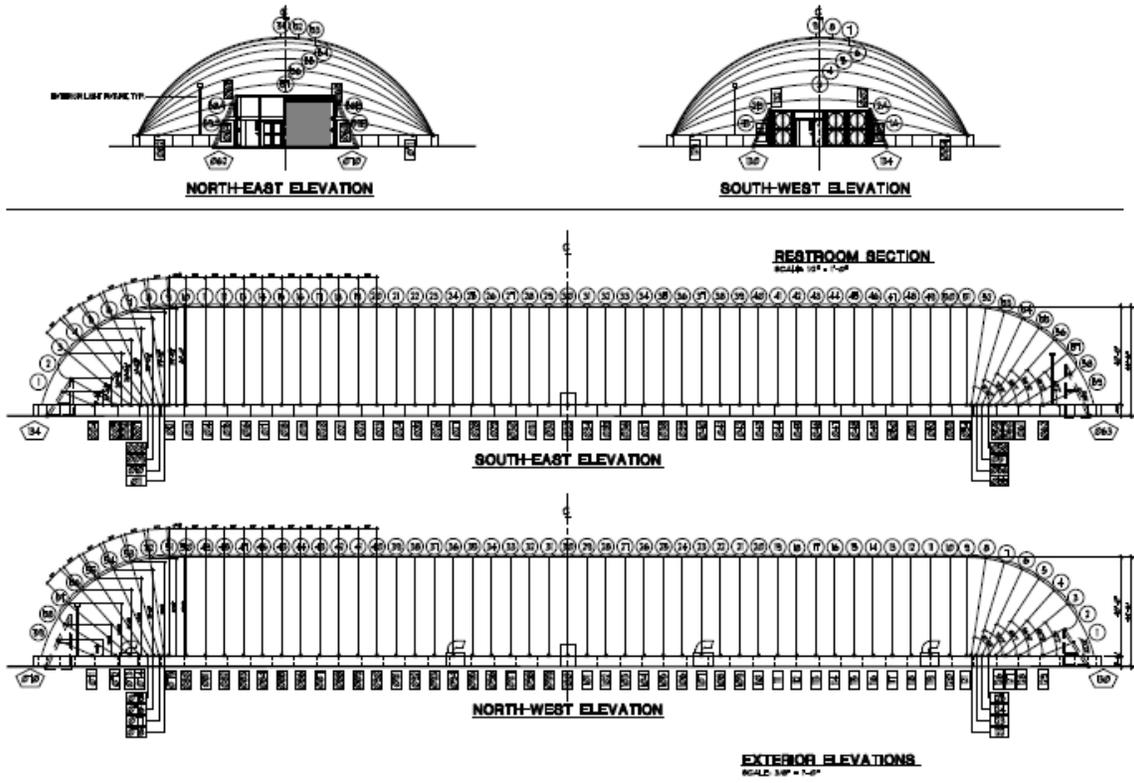
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62 Passed: _____
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64 President of Council

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66 _____
67 Clerk of Council

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70 Approved: _____
71 _____
72 Mayor

73 11/7/12
74 O:\2012ords\P-22-12-SP Todaro Site Plan.doc

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1 A-112

Presented by the Administration
Upon Recommendation of the Planning Commission

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5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2012

8
9 AN ORDINANCE APPROVING A CONDITIONAL ZONING
10 CERTIFICATE FOR THE OPERATION OF TOW
11 LOT/IMPOUND LOT AT 488 EAST STEELS CORNERS
12 ROAD (PARCEL NO. 35-03916), IN AN E-1
13 EMPLOYMENT DISTRICT, AND DECLARING AN
14 EMERGENCY.
15

16
17 WHEREAS, Art. VIII, §1.7 of the Charter of the City of Cuyahoga Falls requires
18 that all affirmative decisions made by the Planning Commission be submitted to
19 Council, and
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21 WHEREAS, the Planning Commission has initial jurisdiction to grant a
22 conditional zoning certificate relative to certain uses in certain districts, subject to
23 the approval of this Council, pursuant to Section 1113.08 of the Codified
24 Ordinances, and
25

26 WHEREAS, on November 6, 2012 the Planning Commission approved the
27 issuance of a Conditional Zoning Certificate for the operation of a tow lot/impound
28 lot at 488 East Steels Corners Road (Parcel No. 35-03916) within the City of
29 Cuyahoga Falls, Ohio,
30

31 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
32 Falls, County of Summit, and State of Ohio, that:
33

34 Section 1. This Council approves the issuance of a conditional zoning certificate
35 for the operation of a tow lot/impound lot at 488 East Steels Corners Road (Parcel
36 No. 35-03916) Cuyahoga Falls, Ohio, situated in an E-1 Employment District, as
37 set forth in the Codified Ordinances of the City of Cuyahoga Falls and as approved
38 by the Planning Commission as per the plans and conditions contained in File P-
39 24-12-CZ, including the site plan and elevations depicted in Exhibit A, attached
40 hereto. This approval is without prejudice to the City's right of revocation.
41

42 Section 2. Any other ordinances or resolutions or portions of ordinances and
43 resolutions inconsistent herewith are hereby repealed, but any ordinances and
44 resolutions not inconsistent herewith and which have not previously been repealed
45 are hereby ratified and confirmed.
46

47 Section 3. It is found and determined that all formal actions of this Council
48 concerning and relating to the adoption of this ordinance were adopted in an open
49 meeting of this Council, and that all deliberations of this Council and of any of its

50 committees that resulted in such formal action, were in meetings open to the
51 public, in compliance with all legal requirements, to the extent applicable,
52 including Chapter 107 of the Codified Ordinances.
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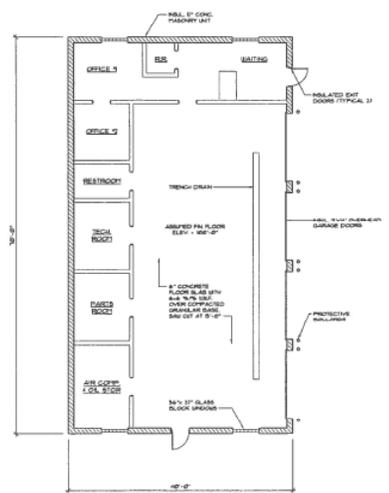
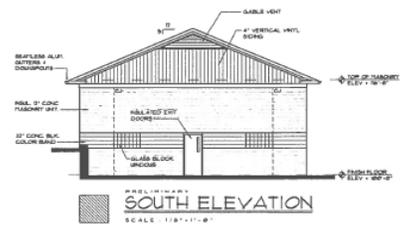
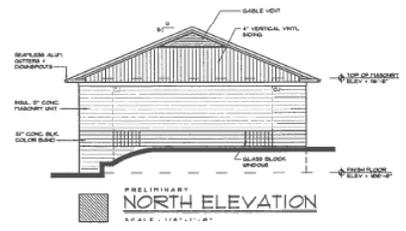
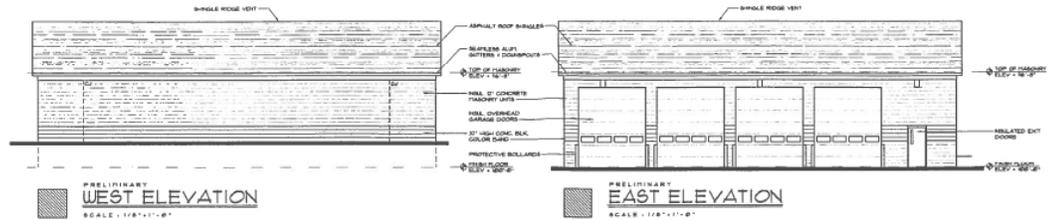
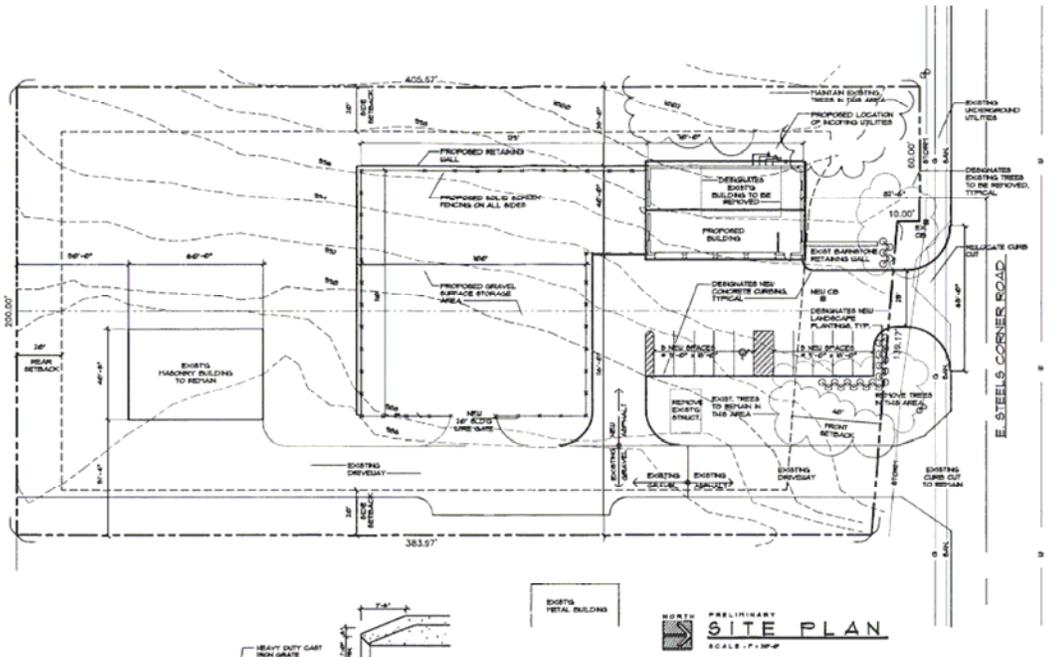
54 Section 4. This ordinance is hereby declared to be an emergency measure
55 necessary for the preservation of the public peace, health, safety, convenience and
56 welfare of the City of Cuyahoga Falls and the inhabitants thereof, for the reason
57 that it is immediately necessary to permit timely and appropriate development of
58 this property, and provided it receives the affirmative vote of two thirds of the
59 members elected or appointed to Council, it shall take effect and be in force
60 immediately upon its passage and approval by the Mayor; otherwise it shall take
61 effect and be in force at the earliest period allowed by law.
62

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64 Passed: _____
65 _____
66 President of Council
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68 _____
69 Clerk of Council
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72 Approved: _____
73 _____
74 Mayor

75 11/12/12
76 O:\2012ords\Conditional Use Permit P-24-12p-CZ 488 E. Steels Corners



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4 CITY OF CUYAHOGA FALLS, OHIO

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6 ORDINANCE NO. -2012

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8
9 AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE
10 AMENDED AND RESTATED CONTRACT FOR SALE OF LAND
11 FOR PRIVATE REDEVELOPMENT WITH PORTAGE
12 CROSSING, LLC (CONTRACT NO. 6779), AND DECLARING
13 AN EMERGENCY.
14

15 WHEREAS, to eliminate blighted and deteriorated conditions, the City acquired certain
16 real property known as the State Road Shopping Center (the "Property"); and
17

18 WHEREAS, for the purpose of preventing the recurrence of those conditions of blight
19 and deterioration, to provide for the productive development and reuse of the Property and
20 for the purpose of creation of jobs and employment opportunities, the City entered into an
21 Amended and Restated Contract for Sale of Land for Private Redevelopment on July 3, 2012
22 (Contract No. 6779, hereinafter the "Agreement") for the sale of the Property to Portage
23 Crossing, LLC (the "Redeveloper"); and
24

25 WHEREAS, the development plan for a portion of the Property has been amended to
26 provide for a movie theater to be part of the development, and the City and the Redeveloper
27 desire to make amendments to the Agreement as described in the proposed Amendment to
28 Amended and Restated Contract for Sale of Land for Private Redevelopment (the
29 "Amendment"), a copy of which is on file with the Clerk of Council;
30

31 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
32 County of Summit, Ohio, that:
33

34 Section 1. This Council hereby confirms its previous findings and determination that the
35 Property will not be needed for public use by the City and that continued City ownership
36 thereof will not be necessary to carry out the purpose of eliminating conditions of blight
37 and, further, that the sale thereof is necessary to carry out the public purpose of preventing
38 the recurrence of the conditions of blight, to provide for the productive development and
39 reuse of the Property, and for the purpose of creation of jobs and employment opportunities
40 and improving the economic welfare of the people.
41

42 Section 2. This Council hereby approves the form of Amendment on file with the Clerk
43 of Council in Council File No. _____. The Mayor and Director of Community
44 Development are hereby authorized and directed to execute said Amendment on behalf of
45 the City in substantially the form on file with the Clerk of Council, together with such
46 revisions or additions thereto as are approved by the Mayor, Director of Community
47 Development and Director of Law, and are consistent with the objectives and requirements
48 provided in this ordinance. The Mayor is authorized to execute and deliver such deed or
49 deeds and purchase and accept delivery of such easements as are necessary to carry out
50 such Amendment, and the Mayor and Director of Community Development, Director of
51 Finance, Director of Law, and other City officials, as appropriate, are authorized to provide
52 such information and to execute, certify or furnish such other documents, and do all other
53 things, as are necessary for and incidental to carrying out the terms of the Amendment.

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

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City, and for the further reason that it is necessary to enter into the Amendment as soon as possible so that the Property may be sold and redeveloped in order to prevent the recurrence of conditions of deterioration and blight and to create jobs and employment opportunities, wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

11/12/12

O:\2012ords\Portage Crossing Contract 2nd amendment.DOC