

The meeting was opened with the Pledge of Allegiance.

Roll called. All members were present with the exception of Mr. Larson and Mr. Heilmeier.

Mr. Taylor: Ok, Mr. Heilmeier is out on emergency this evening so he will not be attending and Mr. Larson is out of town so **I would like to make a motion to excuse both these gentleman from the meeting tonight.**

Mr. Ryder: **I second.**

Roll called. All members present voted in favor. (3-0)

Mr. Taylor: Next item on the agenda is the minutes from the December 6 meeting. **I'll make motion, unless there's any corrections, to approve the minutes as published.**

Mrs. Oliver: **Second.**

Roll called. All members present voted in favor. (3-0)

Mr. Taylor: Next item on the agenda is the Special CRA Housing Council Appointment. I received an email from the Zoning Department about this and I guess annually we have to appoint someone to that position and Mr. Larson has had that position up until now. I'd like to hold this until next month until we have a full commission so we can decide if anyone would like to do that job.

Mayor Kline: That's fine.

Ms. Weinberg: Just one correction. It's not an appointment every year. It's for a three-year term. Each member.

Mr. Taylor: Ok. So, his term is up?

Ms. Weinberg: It was up December 31st.

Mr. Taylor: Ok. And that's a once a year meeting?

Ms. Weinberg: Once a year meeting, correct.

Mr. Taylor: **I would like to make a motion, since we don't have a whole commission here, just to hold it for one month.**

Mrs. Oliver: **Second.**

Roll called. All members present voted in favor. (3-0)

Mr. Taylor: Agenda additions. I don't see any.

Mayor Kline: Same with election of officers? Do you want to hold that until next meeting?

Mr. Taylor: Yea, why don't we do that when we have the full commission.

Mayor Kline: We'll just put it back on the agenda next time.

Mr. Taylor: **I'll make a motion to hold the election of Chair and Vice Chair until the March 7th meeting.**

Mr. Ryder: **I second.**

Roll Called. All members present voted in favor. (3-0)

Mr. Taylor: Correspondence and Communications. I don't think we have anything. Do we mayor?

Mrs. Hussing: We actually do Mr. Chairman. There's a packet that's right before you. It's binder clipped. I had emailed it out to you earlier. There were two communications. It's a rather large packet. It's the agenda on the front and then there's a Planning and Zoning Memorandum.

Mr. Taylor: Yea, I see some comments from the City Engineer. We didn't have this before, right?

Mrs. Hussing: You did not have that. I emailed that out to you today.

Mr. Taylor: And there's some stuff regarding North Ave...ok. And it's related to these projects, is that correct?

Mrs. Hussing: Yes.

Mr. Taylor: Ok.

Mrs. Hussing: And if you'll just know that there's extra items that we received that are in that packet for those items.

Mr. Taylor: Ok. Thank you. Ok, to keep the agenda going this evening, **I would like to move Item #PZ19-02-05 up to the third position this evening. All it is is setting a Public Hearing so I'll make a motion to move that up to the third item on the agenda.**

Mrs. Oliver: **Second.**

Roll called. All members present voted in favor. (3-0)

Mr. Taylor: First item on the agenda:

Item #PZ19-02-01: Conditional Zoning

Jessica Kimble/Boss Union Contracting, Inc. – Applicant

BGR Warehouse LLC - Owner

132 Osceola Avenue

- For Scheduling of Public Hearing

Mr. Taylor: **I'm going to make a motion to schedule a Public Hearing for this item on March 7, 2019 at 7:01.**

Mr. Ryder: **I second that motion.**

Roll called. All members present voted in favor.

Mr. Taylor: Next item on the agenda:

- Item #PZ19-02-02: Conditional Zoning-Special Non-Residential Development**
Alissa Nider, UHaul – Applicant
Amerco Real Estate Company - Owner
555 South Avenue
- For Scheduling of Public Hearing

Mr. Taylor: **I would make a motion to schedule a Public Hearing for Thursday, March 7, 2019 at 7:02.**

Mrs. Oliver: **Second.**

Roll called. All members present voted in favor. (3-0)

Mr. Taylor: Next item on the agenda:

- Item #PZ19-02-05 Conditional Zoning-Special Non-Residential Development**
Tom Bader/1169 Brittain LLC – Applicant/Owner
1169 Brittain Rd
- For Scheduling of Public Hearing

Mr. Taylor: **I'll make a motion to schedule a Public Hearing for Thursday, March 7, 2019 at 7:03.**

Mr. Ryder: **I second.**

Roll called. All members present voted in favor. (3-0)

Mr. Taylor: Ok, we'll see you next month.

Mr. Taylor: Next item on the agenda:

- Item #PZ19-02-03: Site Plan Review**
VTC Development LLC – Applicant/Owner
60 North Avenue
- Approve or Deny the Site Plan

Mr. Taylor: Is the applicant in the audience?

Mr. Warner was sworn in.

Mr. Warner: So, we're here primarily to look at some of the amendments to the Phase 3 area of the development. Primarily, our Phase 3 included the building that's currently under construction, but also incorporated the old school building and the developer has recently determined that that's not a viable

solution, to continue to remodel that, so we're looking at taking that building down, which causes us to adjust some of our parking. Our parking requirements went down for Phase 3, but overall, I think we still need additional parking so we made some modifications. We still have a development area. You can see there's a parking lot, as you look at Town Center Boulevard as it goes out to Northeast Avenue. We have a parking lot, where it used to be on the west side, we had 10 spaces, we've expanded that parking to represent 22 spaces, actually 27 I believe, and then we modified what we were looking at on the other side of the entrance drive. Looking at primarily traffic conditions, in the last configuration, we weren't really thrilled with the number of places where we had cars entering and leaving Town Center Boulevard, they were too close together, so in this particular case we're spreading some of those out. We're still leaving an area for future development where the school used to be, a little bit smaller, but if the developer makes an agreement with somebody that wants a larger building, we'll probably have to come back and modify that parking again. Then, we have our Phase 4 area, which is up and to the right, which again, there will be another parking lot there and a space for a future building in that location. We just recently got an agreement with the church for 37 additional parking spaces, which I think helps us meet the parking requirements for this Phase and I'm available to answer any other questions.

Mr. Taylor: As far as the agreement with Our Lady of Victory for additional parking spaces, can you tell us how you're going to be handling that? Who's going to be parking there or if someone's going to be transporting people across the street or...just give us some background on that.

Mr. Warner: We'll have a cross walk there, by the main entrance to Town Center Blvd and the people will be able to park on the church side and then use the cross walk to get over on to our property.

Mr. Taylor: Will there be a signal at that Blvd there?

Mr. Warner: There will not be.

Mr. Taylor: Is that called Town Center Blvd?

Mr. Warner: Yes.

Mr. Taylor: Ok. And that goes all the way through to Northeast Ave?

Mr. Warner: That's correct.

Mr. Testa was sworn in.

Mr. Testa: So, I'll add on parking. The reality is, we need those extra spaces because of zoning requirements. We don't actually think that those extra spaces are ever going to get used. Most of the uses that you see in this have a fairly reciprocating parking need. So, not everybody is open at the same time. For example, Wally Waffle closes before Jimmy Johns gets busy. The medical has different hours than the retail and the seniors don't really use the parking that's required by code in our buildings so, while we're complying with the necessity from the zoning stand point, our experience has been that we'll probably never hit capacity of the parking lots that we have on site now with the current tenants we have there.

Mr. Taylor: Ok. I did see in a note that you received a Certificate of Appropriateness from the Heritage Commission for a demolition of the middle school annex building.

Mr. Warner: That is correct.

Mr. Taylor: When do you have plans to demolish that?

Mr. Warner: Very soon.

Mr. Taylor: Not immediately?

Mr. Warner: I would guess within the next couple months.

Mr. Taylor: Do you have to do any abatement to that building before you tear it down?

Mr. Warner: I don't believe so. That's already been accomplished.

Mr. Taylor: Ok. Did you receive a copy of the Staff Report?

Mr. Warner: I did, yes.

Mr. Taylor: Ok. The Fire Marshall had some items on there, I think around 6 items, that he wanted you to comply with.

Mr. Warner: That's correct and they all have been.

Mr. Taylor: They have been? Ok.

Mr. Warner: Yes. Those comments came from a review of the Site Plan before we modified it to take down the building and so we got those comments roughly the same time we were modifying the plan that shows taking that building out and so those were incorporated into the plan that you're reviewing today.

Mr. Taylor: Ok. So that's just really past news.

Mr. Warner: Correct.

Mr. Taylor: Now, looking at your plan, I was little... since we're reviewing landscaping, lighting and dumpster... some of the landscaping really wasn't identified on the Landscaping Plan. It was sort of generic as far as what plants went where.

Mr. Warner: That's correct. I talked to the Zoning Manager and said if we submitted the plan that showed the detailed plantings and where they're at, that for this map that we submitted for this review, that it would be so complicated and congested that it would be very difficult to read. We do have Site Plan submittal that has the detailed drawings that indicate all the plant materials along with grading and drainage and utility work. Those are part of a detailed set of plans that are submitted to the City, or will be submitted soon, because we're complying with some of the things that the engineer has reviewed so this is basically kind of a representation of how we intend to do our plant massing's. The Landscape Plan that will be included with our detailed site drawings indicate what all those plant materials are going to be.

Mr. Taylor: Yea, I noticed from the schedule it's sort of generic...there was a choice of different plants.

Mr. Warner: That's correct. There's a chart on there that indicates what plant materials we're going to use and so our detail Landscaping Plan will actually identify which plants go in which location and how many are going to be planted there.

Mr. Taylor: And we're going to be receiving that...?

Mr. Warner: Within the next week.

Mr. Taylor: Oh, ok. Is that something we'll be approving next month?

Mayor Kline: Only if you don't want to approve what he's submitting tonight. Tonight, he's submitting you the plan, correct me if I'm wrong Mr. Warner, these are the items that are going on these locations, this map?

Mr. Warner: Yes. This is giving you... so what will happen is, the detailed plan that we will submit will have identifying what each of those plant materials will be, how many of them in each of those locations. So, this is the base map that we use for the planting plan, it just doesn't have all the text because there would be leaders and all sorts of text on this that would be crowded and tough to read so this is an overview showing the plant massing's then the detailed information will be on that plan.

Mr. Taylor: Yea, that's what I thought. So, you are going to submit that?

Mr. Warner: The detailed plan with all of the plants identified and their count and all that stuff, yes, that will be part of our construction set that will be submitted.

Mr. Taylor: Ok.

Mayor Kline: Do you want to back to you?

Mr. Taylor: Oh, I don't know. Really all I see is things that are symbols. It doesn't say what they are. They're really pretty good with their landscaping. They really identify it on other phases so I'm asking, do they have to come back to us?

Mrs. Raber: They do not have to, it's up to you whether or not you want to approve this concept and then with the approval of the specifics to be verified by the Zoning Department. You can make that part of the motion or if you really want to look at every single plant and the spacing and all that then you can set it up.

Mr. Ryder: I'm wondering how much changed since the last submittal and approval that we had on this plan because if it's just the one building that's changed, haven't we already reviewed the Landscaping Plan for most of the Phase 1... well 2 and 3?

Mr. Warner: Actually, Phase 1 and 2 had a detailed planting plan, Phase 3 did not.

Mr. Ryder: Phase 3 did not? Ok.

Mr. Taylor: Phase 3 is the medical building.

Mr. Warner: This is correct, that's the one that is currently under construction. That's the Site Plan that were here for.

Mr. Taylor: Ok.

Mr. Warner: So, everything up to about the driveway, the planting that are on the south side of the Jimmy Johns drive-thru... Those plantings from there up were identified in phase 2 in great detail so it's the rest of it that has not been. You have not seen that detailed planting plan at this point.

Mr. Taylor: Along North Ave and along the City driveway?

Mr. Warner: That is correct. What we're going to do is the stuff on North Ave is going to mimic what we already planted on the other side. We're not going to make a big shift in that. That roughly from the Jimmy Johns to the south has not been shown other than in graphic form like this.

Mr. Taylor: Ok. So, since we've approved the other phases, it's our requirement to approve the landscaping in that Phase 2, I think maybe you should submit that to us for approval.

Mr. Warner: We intend to submit that for approval as part of our construction document set. Do you want that to come back through here? I mean, what we would ask is that you would approve the Site Plan condition to the Zoning Department reviewing that or your Engineering Group, as part of the construction documents that gets submitted.

Mr. Taylor: They'd be reviewing it for us. Don't we usually do our own? The plantings?

Mrs. Oliver: I know that we have in the past but I believe that with what they've provided thus far and from past experience with what we see over there, I would be satisfied with approving it this evening, knowing that it's still got another level of review once it gets to the City.

Mayor Kline: We would be fine with that. We're going to make sure the sight looks the same from the north side to the south side.

Mr. Taylor: Yea, that's what I was getting to.

Mayor Kline: If we'd never had any of the plan on the north side then I would say yes, bring it back. We'll have the plans here shortly down in the Zoning Department. Jerry you're welcome to come and take a peek at it... if you feels it needs to come back to you.

Mr. Taylor: No. They've done an excellent job so far. What they've planted looks really good so I'm really satisfied. I just wondered if procedure says they should come back to us.

Mrs. Oliver: If I might add, you're the only one that understands the type of trees going in.

Mr. Taylor: Ok. So, we won't do a resubmittal to us for the Landscape Plan, based on their past performance and what they're showing in the schedule...

Mrs. Raber: Ok. Just as recommendation for that portion, so there's multiple motions, there's a motion just addressing the Landscape Plan, you may want to contemplate adding the final landscape plan must be approved by the City Zoning Department or some kind of additional language on that. You could even specify "and that it shall match the existing landscaping". I just want to ask for the record...I know Mrs. Oliver has previously had to abstain from anything having to do with this property and so I just, before we continue and

before you're involved in any more discussion, just want to clarify on the record what the current status of the business association is or is not and then be able to put that on the record.

Mrs. Oliver: Since November 1 of 2017, I have no longer been associated with Testa Companies and this particular development.

Mrs. Raber: And you have no business interest.... There's no remuneration whatsoever that would come to you at any future time?

Mrs. Oliver: None.

Mrs. Raber: So, no current business association at all.

Mrs. Oliver: That is correct.

Mrs. Raber: Ok. Thank you very much. I just wanted to put that on record.

Mr. Taylor: Where the existing school is being torn down, on the plan you indicated there's going to be a dumpster there.

Mr. Warner: That's correct.

Mr. Taylor: I'm assuming that's going to be part of your detailed plans you're going to submit.

Mr. Warner: That is correct. It's a masonry dumpster enclosure.

Mr. Taylor: Similar to what you've already done?

Mr. Warner: Yes.

Mr. Taylor: Ok.

Mrs. Oliver: Would you anticipate that, because of course that's a very large building with a lot of employees and a lot of people coming and going, would you anticipate that employees might park in the parking across the way there on the circle and in this extra lot here and that those parties visiting that building in particular would be parking out front there and close to the building?

Mr. Warner: That's correct. We're anticipating that the employees for both those businesses would be utilizing the lots that are kind of curving that follow the circle there and those upper ones or the new lot that's in the back where the school was.

Mrs. Oliver: Ok, thank you,

Mr. Taylor: There were some comments by the City Engineer, Burges' and Niple. Would you like to respond to your comments on this Lighting Plan?

Mrs. Driscoll: Sure. I know that you submitted a Lighting Plan but I was looking for a photometric plan just to show that the light does not spill off the sight as it's supposed to.

Mr. Warner: Alright. We have not done that yet.

Mrs. Driscoll: Also, I believe you were going to submit a revised grading plan? I was looking for something that showed...

Mr. Warner: That's correct. We have some... when we remove the building, I had to adjust the parking so that changes some of the grading there. We did have a proposed retaining wall on the south side of the new building. We have an access drive along the east side of that building that was between there and the school to account for the existing elevation of the school building. With the school being gone, were able to grade that out on a gentle slope and get rid of that retaining wall then that changed some of the utilities that we have over there so when we added the parking lot, we put another catch basin in. So, all of that is why we don't have the plans submitted right now. I'm going through that detail right now. Were pretty close. Within a couple days of having that completed and those will be part of the construction document set that gets resubmitted.

Mrs. Driscoll: Ok. I would just like to review those before it's approved. Thank you.

Mr. Taylor: Any other questions from the Commission members?

Mr. Ryder: As far as this modification, does it have any ramifications on the storm water controls that have been put in place for this site as far as capacity of drainage or...

Mr. Warner: No. When we did our storm water analysis on this, we designed the site for what the total build out would be, so everything's been designed and sized appropriately for the full build out. Right now, we're actually going to be creating a little bit more green space but eventually that will probably filled up. We don't really have a significant change. It might be a couple percent difference between open and impervious areas but not significant enough to alter what our design was.

Mr. Ryder: Ok. Thank you.

Mr. Taylor: Is there anyone else in the audience that would like to address any issues here?

Mr. Carano was sworn in.

Mr. Carano: I'm just wondering about the building in terms of green technology, in a sense, for being the standards for future for that because that's where the future lies in building all across the country. It should anyway. That's all. Thank you.

Mr. Warner: Well, I can't speak necessarily on the building itself, but from a site design, we're utilizing porous pavement in the parking lots to handle our water quality requirements. So, you'll see as you're out there and you look at different areas of the paving, you'll notice some of it looks more granular than smooth and that's because there's about a two and a half foot deep reservoir full of rock underneath there that helps filter the water and aid in infiltration of storm water and then the entire sites storm water management is actually done under an agreement with the City. There's larger chambers that are actually under that front parking lot that goes along North Avenue. They're about this tall and about this wide and there's about 250 of those. Three rows of that have a filter fabric in the bottom of them to help clean sediments out of the storm water and that whole system also aids in infiltration as opposed to putting it into a storm sewer. So, the overall site incorporates underground area to treat storm water and also to reduce the volume that gets into the city sewer system.

Mr. Taylor: Ok. And it's connected to the storm water system of the City?

Mr. Warner: Correct.

Mr. Taylor: Is that why we have the underground storage over here Mayor?

Mayor Kline: Actually, there's 3 along North Ave, underground storage, and when URS, AECOM, at the time designed the North Avenue project, part of the agreement with the Testa Development was to give us an easement to put that big one underneath that parking lot. Underneath this whole parking lot, here's that whole detention that was designed by our engineers and their engineers to handle their site and the North Ave water coming down. Across the street at Our Lady of Victory, that other parking lot to the north, or that open field which is designed for parking later, that also has detention. Then, between Fifth-Third Bank and Key Bank is the third one. All that is underground detention based on this design, the North Avenue storm water coming down and City Halls and Our Lady of Victory.

Mr. Taylor: I'm not really familiar with underground storage, does it eventually evaporate?

Mayor Kline: No, it all goes inside there then percolates into the ground then it flows out to the main pipe at a reduced rate to prevent it from flooding down at A&W. That's where it ends up.

Mr. Taylor: Ok.

Mr. Warner: And that also, because you're detaining that water in there, it gives those chambers that I talked about, sit on a bed of gravel about this thick and that holds the water as well and that also is adjacent to where we've dug down to the bottom of that and we utilized some of the precocity of the soils to absorb some of that water so you have a combination of infiltration into the ground, because the water gets stored in those chambers allowing it to perk into the soil. Then, what can happen during the heavy rains, the overflow amount will go back into the sewer at a measured rate but you still get a significant amount of infiltration when you look at pretty much that whole parking lot parallel with North Avenue underneath that is those chambers pretty much that whole way so you got quite a bit of storage volume and it sits there for roughly a day and a half before it's released from the site.

Mr. Taylor: Ok. Any other questions from the commission? This doesn't go to City Council... We're just recommending approval or denial, right? Based on everything that's submitted.

Mrs. Oliver: Just a question. We'll be doing three separate motions for the Site Plan, the Landscape Plan and the Lighting Plan?

Mrs. Hussing: Yea, and I recommended the motions on the Memorandum that I drew up today so if you can refer to that, that would be helpful. It's also on the screen.

Mrs. Oliver: **I move to approve the Site Plan Review Application for Item #PZ19-02-03, applicant/owner VTC Development LLC at 60 North Avenue based upon the application & plans submitted January 25, February 4 & 6, 2019 to the Planning & Zoning Department subject to the following conditions, modifications and/or amendments based on the evidence presented:**

- **That all previous ordinances and conditions of approval remain; and**
- **that the ingress/egress on the easement between City Hall and 60 North Avenue is clearly marked Fire Lane to allow a 20' wide access for emergency vehicles; and**

- **that all vehicles utilizing the loading area at 60 North Avenue for unloading/loading purposes adjust their vehicles to remain outside the marked Fire Lane;**
- **that the dumpster enclosure meets the requirements of Design Criteria for the Design Control Overlay District;**
- **that the shared driveway between City Hall and the development be recorded as easement – subject to all necessary approvals;**
- **that a written parking agreement for at least 37 parking spaces, within 500 feet from the building served, is properly drawn and executed by all parties concerned, approved as to form by the City Law Director and filed with the Planning & Zoning Department prior to Phase 3 occupancy;**
- **that a Grading Plan be submitted for engineering review.**

Mr. Ryder: **I second.**

Mr. Warner: Can I ask a question? We submitted the Shared Use Agreement Legal Description and Exhibit. I'm not sure if I'm clear on what party is going to prepare the actual document. Is the City going to prepare that or is that on us?

Mrs. Raber: Are you talking about the easement? I haven't seen the easement. I haven't seen anything on that yet.

Mr. Warner: I emailed it in a couple days ago.

Mrs. Raber: We should handle it probably the way did before which was... I think you had prepared the Legal Description, which apparently you did, and then I think we drafted the easement language... we worked on that collectively... I'll have to look.

Mayor Kline: It will be jointly done.

Mr. Warner: I couldn't remember if we did that or if you guys do it.

Mrs. Raber: I honestly don't remember. I'll take a look at my old file but let's just say however we did it before and we'll do it the same way. So, the language as the condition can remain then we'll get that worked out between us.

Roll called. All members present voted in favor. (3-0)

Mr. Ryder: I move to approve the Landscape Plan for Item #PZ19-02-03, applicant/owner VTC Development LLC at 60 North Avenue based upon the plans submitted January 25, February 4 & 6, 2019 to the Planning & Zoning Department subject to the review and approval by the Planning and Zoning Board after submittal of a final landscape plan by the applicant.

Mrs. Raber: **Did you mean to state the Planning and Zoning Board or did you mean the Planning and Zoning Department?**

Mr. Ryder: **Oh, the Planning and Zoning Department, I'm sorry.**

Mrs. Oliver: **Second.**

Roll called. All members present voted in favor. (3-0)

Mr. Ryder: I move to approve the Lighting Plan for Item #PZ19-02-03, applicant/owner VTC Development LLC at 60 North Avenue based upon the plans submitted January 25, February 4 & 6, 2019 to the Planning & Zoning Department subject to the following conditions, modifications and/or amendments based on the evidence presented:

- **That a photometric lighting plan be submitted to the city for engineering review.**

Mrs. Oliver: **Second.**

Roll called. All members present voted in favor. (3-0)

Mr. Warner: Thank you.

Mr. Taylor: Next item on the agenda:

<p>Item #PZ19-02-04 Review Ordinance 24-2019 City of Tallmadge – Applicant • Recommend or Deny the Amendment</p>
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Mr. Taylor: Mayor, do you want to present this?

Mayor Kline: I think Megan will.

Mrs. Raber: So, we had presented a draft version to you at the last meeting. Mr. Ryder, based on his experience, questioned the way in which it was worded, so we actually have communicated with Mr. Ryder who made some suggestions. The language was originally suggested by Summit County Soil and Water. They had wanted a specific language but were willing to go along with the suggested language and therefore that's what you have before you. So, if it meets everyone's approval...

Mr. Ryder: I think it looks great.

Mrs. Raber: Thank you for your assistance and if that works for everyone then if you want to recommend that to Council then they'll take a look at it next.

Mrs. Oliver: I move to recommend to Council the acceptance of Ordinance 24-2019 amending Chapter 1195.09-Erosion and Sediment Control, Compliance with Local, State and Federal Regulations of the Tallmadge Codified Ordinances and Providing for Immediate Enactment.

Mr. Ryder: **I second.**

Mr. Taylor: Any further discussion?

Roll Called. All members voted in favor. (3-0)


Mr. Taylor: **I make a motion for adjournment.**

Mrs. Oliver: **Second.**

Roll called. All members voted in favor. (3-0)

Respectfully submitted,


Kelli Funk, Secretary


Gerald Taylor, Chairman