



CITY OF TALLMADGE PLANNING & ZONING COMMISSION MEETING MINUTES

THURSDAY, MAY 4, 2023
7:00 p.m.

COUNCIL CHAMBERS

CALL TO ORDER

Chair Patrick Larson called the meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commission Members present: Patrick Larson
Julie Oliver
Kevin Heilmeier
Bob Kostko

A motion to excuse Mr. Ryder was made by Mr. Heilmeier and seconded by Mrs. Oliver.

All members voted in favor. (4-0)

Administration present: Dave Kline, Mayor
Megan Raber, Law Director
Helene Hussing, Planning and Zoning Manager

ADOPTION OF MINUTES

A motion to adopt the April 6, 2023 minutes was made by Mrs. Oliver and seconded by Mr. Heilmeier.

All members voted in favor. (4-0)

AGENDA ADDITIONS

None

CORRESPONDENCE AND COMMUNICATIONS

AGENDA ITEMS

FILING - none

CASES

Case PZ 23-05-01

Site Plan Approval Extension Request

For Review and Determination

Address: 57 Metric Dr (PN 6007031)

Applicant/Owner: David Dawson, D&M Summit Holdings LLC

The following motion was made by Mrs. Oliver and seconded by Mr. Heilmeier:

I move to approve the Site Plan Review Approval Extension Request for Case PZ 23-05-01, applicant-owner D&M Summit Holdings LLC at 57 Metric Drive (Parcel 6007031) for a Medical Office Building based on the application submitted April 24, 2023 to the Planning & Zoning Department, subject to the following approvals, conditions, modifications and/or amendments, based on the evidence presented:

1. That the Site Plan Approval Extension expires 12 months from the date of this meeting, May 4, 2023.

All members present voted in favor. (4-0)

Case PZ 23-03-01**Amendment to the Zoning Text****For Review and Recommendation to Council****Zoning Text:** Title 8 | Signs**Applicant:** City of Tallmadge

Mrs. Hussing presented the new proposed sign code.

DISCUSSION during presentation

Mr. Larson: Did we still leave the prohibition of alcohol signs directly on the window of an establishment? Wasn't that in the code at one time?

Mrs. Raber: It was, however, very clear under case law that we cannot regulate the substance of the sign.

Mrs. Hussing: I believe that was part of the conditional zoning that used to be required.

Mrs. Oliver: Is there anything that addresses lettering on windows?

Mrs. Raber: It would be deemed to be a sign.

Mrs. Hussing: You're talking about like painted lettering...?

Mrs. Oliver: Yes.

Mrs. Hussing: Those are temporary signs so they would be regulated by temporary signs. The only place we allow actual window signs is in the overlays. It would have to meet the code. It can only be 35% of the window area and it would be measured the same way we would measure a sign.

Mrs. Oliver: If they're going to do something like that, do they need to come to Zoning?

Mrs. Hussing: If it's a temporary sign, they do not. They just have to meet it and if they don't meet it, they're non-compliant.

Mr. Larson: So if a store is having a sale, they could put a poster in the window that's temporary, that's ok and they don't need a permit?

Mrs. Hussing: Correct.

Mr. Heilmeier: But it has to meet the 35%, so they can't cover the window.

Mrs. Hussing: Correct, we did not change that. Did you want to discuss that more?

Mr. Larson: Do we know of any instances where this is even an issue?

Mrs. Hussing: Yes. Think about a gas station. We had the BBQ place Big D's... that's what he wanted to do. He wanted to cover the whole window with a sign, which we wouldn't permit that.

Mr. Larson: And the 35% number came from...?

Mrs. Hussing: That is from the old code. Do you want to discuss that further?

Mr. Heilmeier: How long is a temporary sign?

Mrs. Hussing: There is no time duration for a temporary sign.

Mr. Heilmeier: So someone could put up a sign, as long as it's within that 35%, they can leave it permanently?

Mrs. Hussing: If it starts meeting more like a real sign, they have to apply for a real sign.

Mrs. Raber: The difference is more the construction and the material of it.

Mr. Larson: Item 2-Monument signs allowed per lot. I'm having a hard time visualizing exactly what that would mean. A shared freestanding sign would be considered a complex sign, correct?

Mrs. Hussing: Yes.

Mr. Larson: So, if I've got a complex and I've got 2,3,4 people, you're saying we could have 2 of those people and 2 have another free-standing sign separate as long as they were 200 feet apart?

Mrs. Hussing: Yes.

Mr. Larson: Why would we want to do that?

Mrs. Hussing: 200 feet is like 2 lots. Our neighboring property here is a perfect example. I'm thinking in the future, they're going to be asking for a complex sign but you've got Summa who already has a sign. Rocky's plaza has their own sign and Rocky's roller rink had their own sign. Might be same lot, same owner but different uses and different entrances.

Mrs. Oliver: So we were restricting fade/fade out before. So now the EMC we have out there are instantaneous?

Mrs. Hussing: Yes.

Mrs. Oliver: Is that grandfathered in?

Mrs. Hussing: We can notify them that they can use the fade in/fade out.

Mrs. Oliver: So we will still allow instantaneous?

Mrs. Hussing: As long as it's not flashing.

Mr. Larson: What is the reason for prohibiting portable EMC signs?

Mrs. Hussing: I'm not really sure. I thought that was the consent of everyone in the city, that they didn't want the marquee signs. Do you want to allow that?

Mr. Larson: The reason for my question is, we've got a temporary sign that's hauled around on a trailer for years, it's got a yellow background and black lettering. Well, if EMC is the new type of signage, this is replacing those old technology on those signs. Why would we prohibit them?

Mrs. Raber: I think it is because of the types of temporary signs which, again, is based on the type of material used for temporary signs... It's going to be cardboard, it's going to be plastic, less able to weather a long period of time thus not as likely to be outside for long periods of time in leu of a business getting a nice sign. They've been prohibited in the non-electronic version as long as I've worked here. The idea was that people could potentially use that and never come get a permit especially with EMC, they could put all types of information out there. I think that was the framework.

Mr. Larson: I didn't realize we prohibit the trailered yellow signs in the city so it makes sense if those are prohibited that these would be too.

Mrs. Oliver: I can't imagine this because I think the control of it would be almost impossible.

Mr. Larson: What would prevent someone from getting one of those trucks [with EMC on the side of the truck] and parking in a parking lot?

Mrs. Hussing: It's portable.

Mr. Larson: Ok. I question why this wasn't done a year ago?

Mrs. Raber: If I may, it was a lot of work now and it was a lot of work then. So, before that code was presented, I do just want to make it clear for the record that we did put a lot of time and energy into specifically the sign code, because sign codes are always in need of modification and change. Sign codes are not static. Case Law changes, different technology emerges, different patterns of use emerge, different trends. We were trying to do our best to give us the best code possible, but we knew and we had said when we passed the code, we know that we're going to have tweaks and we didn't want to be so married to that document that we would wait another 20 years before we would come back to make the changes. Once we had put it into practice again, we did see where the issues emerged and things that could be clarified and cleaned up. I would anticipate as we go through the code, there'll be other sections of the code that are also going to need to come back and be changed. I just want to be very clear that a lot of time and effort was put in. We did not just rely on the contractor; we did put a lot of work into it.

Mrs. Oliver: As much work as I know you put into this in the first place, there's no way you could predict the kind of things that we saw over the last year. As you said, so many things are changing, we're going to probably within the next year see some odd situation that won't apply to anything in here and we'll be in the same situation thinking we need to modify something. That's why we're here and why we look at these things.

Mrs. Hussing: The stakeholders did all receive a copy of what we put together. I haven't heard from any of them but they did all get a tracked version, exactly what you received.

Mr. Heilmeier: I would assume the administration feels that this will make their life easier and in turn our life easier, correct?

Mrs. Hussing: I do believe that we answered their concerns and still staying within the standards within the applicability standards that are listed in 01. We tried to meet all those as best as possible.

Mayor Kline: It will definitely help the clients, the public, understanding that code a little easier and seeing what they have to apply for or not apply for.

Mrs. Oliver: Unfortunately, it is very much like other parts of our zoning code. No one is really that concerned about it until it specifically affects them so unfortunately we probably won't know what opposition there is to this until someone has a sign that does not comply, then we go from there.

Mr. Larson: I think that most people that come into the city and want to do something, they're going to come in with a project and they're going to ask you, what can we do? And you're going to show them with some clarity, this is what you need to do. I think in all the years I've sat on this Commission, clarity has always been one of the things that we strive for so that applicant didn't come to a meeting and say nobody told me this. It's all spelled out now and this makes it even more clear.

The following motion was made by Mr. Kostko and seconded by Mrs. Oliver:

I move to recommend to City Council the acceptance of Ordinance 2023-47, amending and supplementing Section 1108, Signs, and Appendix A3, Sign Specific Definitions of the Tallmadge Codified Ordinances based on the evidence that:

- 1. The proposed amendment is consistent with the adopted City plans, and the stated purposes of this code;**
- 2. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts or other social or economic conditions;**

3. The proposed amendment will promote the public health, safety and general welfare;
4. The proposed amendment would correct an error in the application of this Zoning Code.

All members present voted in favor. (4-0)

ADJOURNMENT

A motion to adjourn was made by Mrs. Oliver and seconded by Mr. Heilmeier.

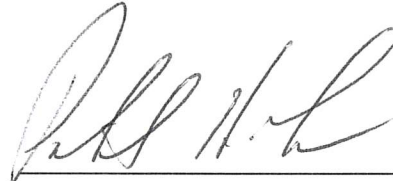
All members present voted in favor. (4-0)

Meeting adjourned at 8:07 pm

Respectfully submitted,



Kelli Funk, Secretary



Patrick Larson, Chairman

Full audio recording of meeting is hereby incorporated as part of meeting record.